



SYRACUSE CITY

Syracuse City Council Work Session Notice

September 11, 2012 – 6:00 p.m.

Large Conference Room

Municipal Building, 1979 W. 1900 S.

Notice is hereby given that the Syracuse City Council will meet in a work session on Tuesday, September 11, 2012, at 6:00 p.m. in the large conference room of the Municipal Building, 1979 W. 1900 S., Syracuse City, Davis County, Utah. The purpose of the work session is to discuss/review the following items:

- a. Meeting agenda for the Business Meeting to begin at 7:00 p.m. (5 min.)
- b. Request to be on the agenda: Jeff Gibson of Wendy's regarding business sign. (5 min.)
- c. Discussion regarding proposed General Plan Update for Districts Two and Eight. (15 min.)
- d. Discussion regarding City Council Electronic Meetings Policy. (10 min.)
- e. Accept for a first reading: Draft rewrite of Title Seven of the Syracuse City Code. (5 min.)
- f. Council business. (5 min.)

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In compliance with the Americans Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the City Offices at 801-825-1477 at least 48 hours in advance of the meeting.

#### CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Syracuse City limits on this 7<sup>th</sup> day of September, 2012 at Syracuse City Hall on the City Hall Notice Board and at <http://www.syracuseut.com/>. A copy was also provided to the Standard-Examiner on September 7, 2012.

CASSIE Z. BROWN, CMC  
SYRACUSE CITY RECORDER



# COUNCIL AGENDA

September 11, 2012

## Agenda Item **B**

Request to be on the agenda: Jeff Gibson of Wendy's regarding business sign.

### *Factual Summation*

- Please see the email below from Jeff Gibson explaining the reason for his request to be on the agenda.

Cassie Brown

I would like to personal thank the City Council members for the help with the Syracuse Wendy's sign. Would it be appropriate to shake their hands the Council members before the meeting or do I need to be on agenda?

I do not want to make a big deal about this, I am just grateful and would like to thank those who are helping me stay in business.

Let me know,

Thanks

Jeff



# COUNCIL AGENDA

September 11, 2012

Agenda Item C

Discussion regarding proposed General Plan updates for Districts Two and Eight.

***Factual Summation***

- Please see the attached memo from the Community and Economic Development Department. Any questions regarding this item can be directed at Mike Eggett, Community and Development Director.



**Mayor**  
Jamie Nagle

**City Council**  
Brian Duncan  
Craig Johnson  
Karianne Lisonbee  
Douglas Peterson  
Larry D. Shingleton

**City Manager**  
Robert D. Rice

### ***Factual Summation***

- Any questions regarding this items may be directed to representative Planning Commissioner(s), or CED Director Michael Eggett
- See the attached Ordinance No. 12-24
- See the attached Syracuse City General Plan Map-District 2
- See the attached Syracuse City General Plan Map-District 8

## **MEMORANDUM**

**To:** Mayor and City Council

**From:** Community & Economic Development Department

**Date:** September 11, 2012

**Subject:** Proposed Amendment to the Syracuse City General Plan – Districts 2 & 8

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### **Background**

In an ongoing effort to update the Syracuse City General Plan, the Syracuse City Planning Commission created Subcommittees for District 2 & 8 to examine and update the corresponding sections of the General Plan. As a key item of the Subcommittees review, a selection of Planning Commissioners, a Councilmember, City staff, and members of the public, chose to examine the proposed land uses of their assigned District of the General Plan. The proposed amendments to the District Maps and corresponding language amendments reflect the Subcommittees and Planning Commissions goals to provide opportunities for economic growth and appropriate adjacent residential development.

### **Consideration of an Amendment to the Syracuse City General Plan – Districts 2 & 8**

On September 4, 2012, the Syracuse City Planning Commission held public hearings regarding the proposed amendments to the General Plan, specific to the Districts 2 & 8, in which one comment was received regarding buffering between commercial and residential zones. On September 4, 2012, the Syracuse City Planning Commission approved recommendation to the

Syracuse City Council the attached amendments to the Syracuse City General Plan, Districts 2 & 8.

**Recommendation**

The Community & Economic Development Department hereby recommends, following recommendation from the Syracuse City Planning Commission, that the Mayor and City Council amend the Syracuse City General Plan – Districts 2 & 8 to reflect attached Ordinance No. 12-24.

# Syracuse City General Plan

## MISSION STATEMENT:

*"To provide quality, affordable services for it's citizens, while promoting community pride, fostering economic development and managing growth."*

Updated 9/11/12



**SYRACUSE**  
EST. CITY 1935

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**ORDINANCE 12-24**

**AN ORDINANCE AMENDING THE SYRACUSE CITY GENERAL PLAN ADOPTED IN 1976, AS AMENDED.**

**WHEREAS**, in 1967 a Syracuse Preliminary Master Plan was prepared for the Syracuse Planning Commission as a part of the Davis County Master Plan Program, said preliminary plan being prepared by R. Clay Allred and Associates, Planning Consultants; and

**WHEREAS**, in 1976 a Comprehensive Plan for Syracuse was prepared by the Davis County Planning Commission with assistance of Architects/Planners Alliance Planning Consultants and Wayne T. Van Wagoner and Associates, Traffic and Transportation Consultants which plan was financially aided by a grant from the Department of Housing and Urban Development through the Utah State Department of Community Affairs; and

**WHEREAS**, the 1976 Comprehensive Plan was amended in 1988 and the title changed to the Syracuse City Master Plan; and

**WHEREAS**, The Syracuse City General Plan was again amended in 1996, 1999, 2003, 2006, 2009, 2011 and 2012 to incorporate appropriate and necessary changes to the General Plan as approved at that time; and

**WHEREAS**, the Syracuse City Planning Commission has opted to review the Syracuse City General Plan in parts and has established a cycling calendar that allows the Planning Commission to review specific districts within the overall General Plan for the City; and

**WHEREAS**, the Syracuse City Planning Commission efforts for Districts 2 and 8 have been completed; and

**WHEREAS**, public hearings have been held by the Planning Commission to receive public input regarding proposed changes; and

**WHEREAS**, the Planning Commission has proposed amendments to the General Plan Districts 2 and 8 that provide development objectives with respect to the most desirable use of land within the City for residential, recreational, agricultural, commercial, industrial, and other purposes, and which residential areas shall have the most desirable population density in the planning districts of the City to benefit the physical, social, economic, and governmental development of the City and to promote the general welfare and prosperity of its residents;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, AS FOLLOWS:**

**Section 1. General Plan District 2 Master Plan.** That the Syracuse City General Plan District 2 Master Plan Map and accompanying text amendments, September 2012 revision, attached hereto, is hereby adopted and any ordinances or resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 2. General Plan District 8 Master Plan.** That the Syracuse City General Plan District 8 Master Plan Map and accompanying text amendments, September 2012 revision, attached hereto, is hereby adopted and any ordinances or resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3. Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Ordinance shall be severable.

**Section 4. Effective Date.** This Ordinance shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 11<sup>th</sup> DAY OF SEPTEMBER 2012.**

**SYRACUSE CITY**

ATTEST:

\_\_\_\_\_  
Cassie Z. Brown, City Recorder

By: \_\_\_\_\_  
Jamie Nagle, Mayor

## District 2 Amendments:

### **District 2**

This district is located in the far northwest corner of the city (east of Bluff Road) and is bounded on the north by the 200 South and on the south by 1700 South. Its eastern boundary is 2000 West Street and its western border is the Bluff Road and approximately 3500 West.

#### **Residential Areas**

This district is comprised of a number different zone types, but the majority of land area is identified as R-1 and R-2 residential use... Generally, the portion of the district west of 2500 West and South of 700 South should continue to develop as planned with R-1 residential. The eastern half of the district, east of 2350 West and the area North of 700 South and South of designated commercial zoning along the State Road 193 corridor should continue to develop primarily as R-2 residential use with other uses as shown on the Syracuse future Land Use Map.

#### **~~200 South~~ State Road 193 Corridor Commercial Area**

Commercial activities should be oriented and planned along this corridor in a similar way that the 200 South Corridor is planned for development in District 1 above. This commercial corridor will be critical to providing an auxiliary commercial district to supplement the 1700 South corridor. ~~While~~ ~~the~~ The 200 South State Road 193 corridor east of 2000 West is planned ~~for~~ primarily for mixed-use, commercial development and should also be planned to serve both local retail and service needs as well as similar needs of tourist traffic passing through the City headed toward Antelope Island. The City should also be aware of the future land uses that are planned on the north side of ~~200 South~~ the State Road 193 Corridor in the City of West Point. In all cases any planned commercial developments should be scrutinized using the principles outlined in this document to ensure the highest quality of commercial, retail development and minimization of associated traffic congestion/safety problems to the surrounding residential communities.

## District 8 Amendments:

### **R-3 Residential**

Located between the existing R-2 residential land uses and the commercial corridor along 1700 south are some parcels identified as R-3 residential land uses. ~~There is also one~~ are also additional R-3 residential locations at 1901 West and 2250 South and at 2150 South and 1100 West. ~~Most of the R-3 land use parcels have already been developed.~~

### **Other Commercial Zones**

There are ~~two~~ three other small yet viable commercial zones located in this district. This zone is home to a number of small, well established retail and service oriented businesses that each contributes to the small-town feel of the community as a whole. One zone is located just east of 2000 West on 2250 South and has been designated for Neighborhood Services zoning. As a complement to this area, another Neighborhood Services zone is located on the corner of 2700 South and Allison Way. ~~The other~~ Additionally, General e-Commercial zoning is applied at ~~is~~ the location of one of Syracuse City's oldest retail establishments, R. C. Willey. While situated in the midst of a largely residential area, the City feels that it is vital that this business be protected, supported and sustained. When the West Davis Corridor is completed near Bluff Road, the increased vehicular traffic to this area will ensure the continued success of this well established Utah business. The extension of Bluff Road to the proposed West Davis Corridor interchange near the southeast corner of the City must be preserved as a simple and conspicuous access

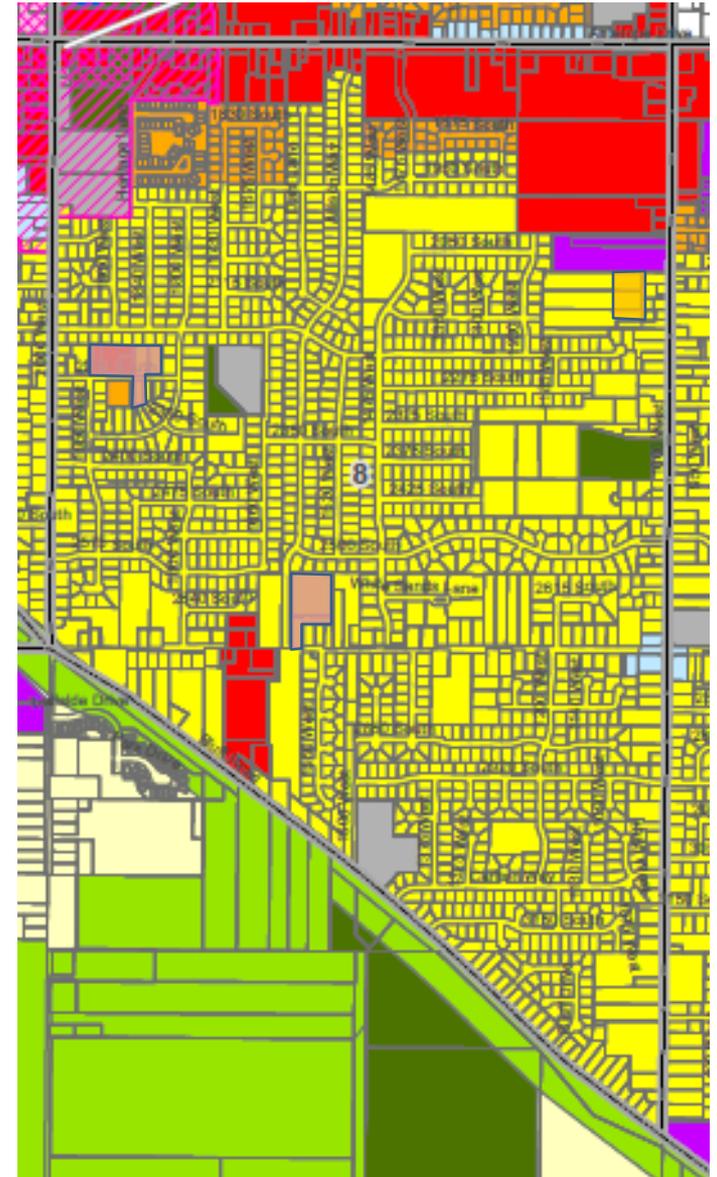
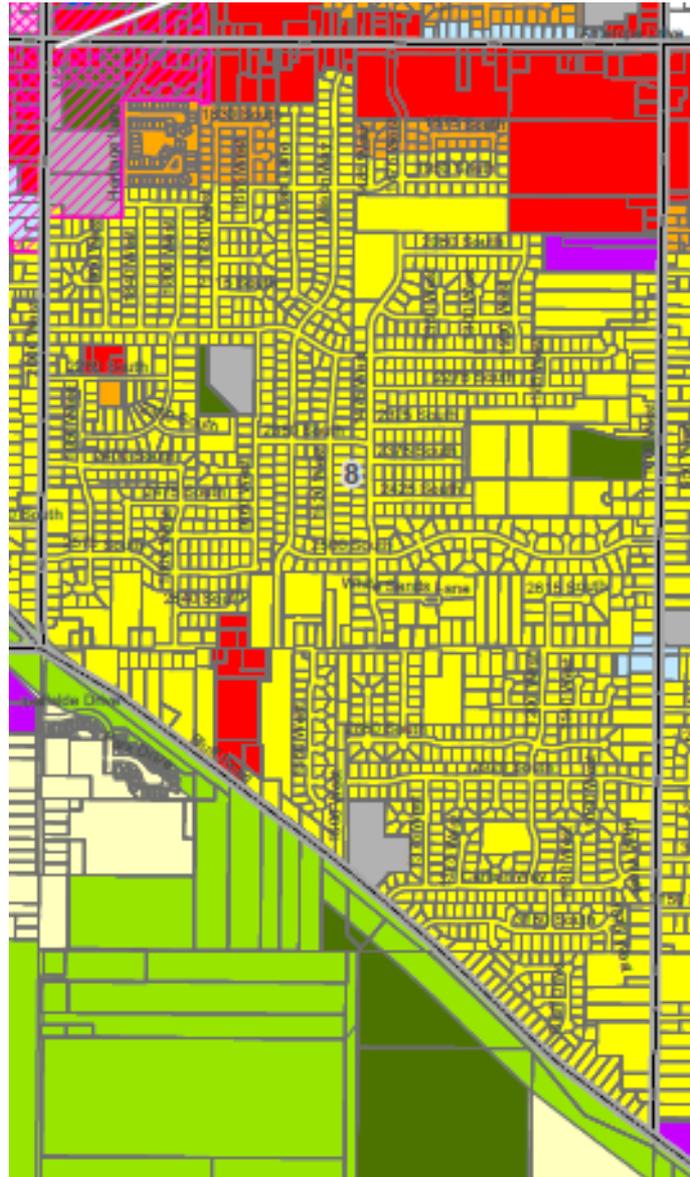


## Current General Plan Map Area 8

## Proposed General Plan Map Area 8

### Legend

- A-1 Agriculture
- Business Park
- Commercial II
- General Commercial
- Industrial
- Institutional
- Neighborhood Services
- Open Space / Recreational
- PRD (8.0 dwellings per net acre)
- Professional Office
- R-1 (2.90 dwellings per net acre)
- R-2 (3.79 dwellings per net acre)
- R-3 (5.44 dwellings per net acre)
- R-4 (14.52 dwellings per net acre)
- Research Park
- Zoning Districts
- TownCenterOverlayZone
- RDA\_Boundary





# COUNCIL AGENDA

September 11, 2012

## Agenda Item **D**

Discussion regarding City Council electronic meetings policy.

### *Factual Summation*

- Any questions regarding this item can be directed at City Attorney Will Carlson.

**RESOLUTION NO. R12-22**

**A RESOLUTION OF THE SYRACUSE CITY COUNCIL SETTING FORTH RULES FOR CONDUCTING PUBLIC MEETINGS OF THE CITY COUNCIL AND PLANNING COMMISSION USING ELECTRONIC MEANS**

**WHEREAS**, *Utah Code Ann.* § 52-4-207 authorizes public bodies to hold public hearings and meetings via electronic communication and requires the City Council to establish written procedures governing electronic meetings; and

**WHEREAS**, the City Council finds that it would be advantageous to hold some public meetings via electronic communication for the ease and convenience of the City Council and Planning Commission; and

**WHEREAS**, the City Council finds that in some instances holding some public meetings, such as work sessions, via electronic communication will permit the City Council and, Planning Commission, to include members of those bodies who may not otherwise be able to attend;

**NOW, THEREFORE**, BE IT RESOLVED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, AS FOLLOWS:

**Section 1. Adoption.** The “Electronic Meetings Policy,” attached hereto as Exhibit “A” and incorporated herein by reference, is hereby adopted.

**Section 2. Severability.** If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 11<sup>th</sup> DAY OF SEPTEMBER, 2012**

**SYRACUSE CITY**

ATTEST:

\_\_\_\_\_  
City Recorder

By: \_\_\_\_\_  
Mayor

## EXHIBIT “A”

### SYRACUSE ELECTRONIC MEETINGS POLICY

#### Electronic Meetings.

(1) Definitions. As used in this Policy:

(i) “Anchor location” means the physical location from which the electronic meeting originates or from which the participants are connected.

(ii) “Electronic meeting” means a meeting of a public body convened or conducted by means of a conference using electronic communications.

(iv) “Monitor” means to hear or observe, live, by audio or video equipment, all of the public statements of each member of the public body who is participating in a meeting.

(v.) “Participate” means the ability to communicate with all of the members of the public body, either verbally or electronically, so that each member of the public body can hear or observe the communication.

(vi.) “Public body” means the City Council or Planning Commission

(vii.) “Public statement” means a statement made in the ordinary course of business of the public body with the intent that all other members of the public body receive it.

(2) Notice. The public body may, by following the procedures and requirements of this Policy, convene and conduct an electronic meeting. The public body convening or conducting an electronic meeting shall:

(i) Give public notice of the meeting pursuant to *Utah Code Ann.* § 52-4-202 and other applicable provisions of the Utah State Code;

(iii) Provide notice of the electronic meeting to the members of the public body at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present; and

(iv) Provide a description of how the members will be connected to the electronic meeting.

(v) Any member of the public body wishing to participate in a public meeting via electronic means shall give at least 72 hours notice to the City Recorder or appropriate member of City staff, except in cases where the member

has not received more than 72 hours notice of the meeting. In the event that the member of the public body receives less than 72 hours notice of the meeting, any wishes to participate in the meeting via electronic means must be given immediately upon receipt of meeting notice. Such wishes shall be communicated to the City Recorder or appropriate member of City staff.

- (3) Location. An anchor location shall be established for the public meeting which is in the building and political subdivision where the public body would normally meet if they were not holding an electronic meeting. Space and facilities shall be provided at the anchor location so that interested persons and the public may attend and monitor the open portions of the meeting.
- (4) Procedures Governing Electronic Meeting. The procedures to be followed at the electronic meeting shall be the same as those followed by the public body in a non-electronic open and public meeting of the public body. The meeting shall be held pursuant to the agenda posted for that meeting. Prior to commencing the electronic meeting, an electronic link shall be established with all participants and the anchor location. Minutes shall be kept for the meeting in accordance with the requirements of the Open And Public Meetings Act. Following passage of a motion to adjourn, the electronic link shall be terminated and the meeting shall be deemed concluded.
- (5) Participation. Space and facilities will be provided at the anchor location so that interested persons and the public may attend, monitor and participate in the meeting as appropriate. Members of the public body participating in the meeting electronically shall be connected in a manner allowing all present at the anchor location to monitor the member's public statements. Nothing in this policy may be construed to interfere with accommodations made under the Americans With Disabilities Act.
- (6) Two Meeting Maximum. Members of the public body are encouraged to attend all meetings in person whenever possible. To discourage an abuse of this Electronic Meetings Policy, no member shall be allowed use electronic communication to attend more than two meetings where issues are voted on per calendar year. There shall be no limit to member attendance via electronic communications in work sessions, as these meetings do not include votes.
- (7) Statement. Each agenda for an electronic meeting shall include the following statement:

*Meetings of the Syracuse City Council (Planning Commission/Board of Adjustment) may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Rules, Policies and Procedures established by the Governing Body for electronic meetings.*

RESOLUTION NO. R08-23R-XXX

**A RESOLUTION OF THE SYRACUSE CITY COUNCIL SETTING FORTH RULES FOR CONDUCTING PUBLIC MEETINGS OF THE CITY COUNCIL AND PLANNING COMMISSION USING ELECTRONIC MEANS**

**WHEREAS**, *Utah Code Ann.* § 52-4-207 authorizes public bodies to hold public hearings and meetings via electronic communication and requires the City Council to establish written procedures governing electronic meetings; and

**WHEREAS**, the City Council finds that it would be advantageous to hold some public meetings via electronic communication for the ease and convenience of the City Council and Planning Commission; and

**WHEREAS**, the City Council finds that in some instances holding some public meetings, such as work sessions, via electronic communication will permit the City Council and, Planning Commission, to include members of those bodies who may not otherwise be able to attend; ~~and~~

~~**WHEREAS**, the City Council does not wish to allow members of the City Council or Planning Commission to participate in any public meeting during which a vote of the public body will be taken;~~

**NOW, THEREFORE**, BE IT RESOLVED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, AS FOLLOWS:

**Section 1. Adoption.** The “Electronic Meetings Policy,” attached hereto as Exhibit “A” and incorporated herein by reference, is hereby adopted.

**Section 2. Severability.** If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

**Section 3. Effective Date.** This Resolution shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 23<sup>rd</sup>-11<sup>th</sup> DAY OF DECEMBER, 2008SEPTEMBER, 2012**

**SYRACUSE CITY**

ATTEST:

\_\_\_\_\_  
City Recorder

By: \_\_\_\_\_  
Mayor

EXHIBIT "A"

**SYRACUSE ~~CITY RULES, POLICIES AND~~  
PROCEDURES FOR ELECTRONIC MEETINGS POLICY**

**Electronic Meetings.**

(1) Definitions. As used in this Policy:

(i) "Anchor location" means the physical location from which the electronic meeting originates or from which the participants are connected.

(ii) "Electronic meeting" means a meeting of a public body convened or conducted by means of a conference using electronic communications.

(iii) "Monitor" means to hear or observe, live, by audio or video equipment, all of the public statements of each member of the public body who is participating in a meeting.

(iv.) "Participate" means the ability to communicate with all of the members of the public body, either verbally or electronically, so that each member of the public body can hear or observe the communication.

(v.) "Public body" means the City Council or Planning Commission

(vi.) "Public hearing" means a portion of a meeting at which comments from the public will be accepted.

(vii.) "Public statement" means a statement made in the ordinary course of business of the City Council with the intent that all other members of the City Council receive it. (iii) ——— "Public body" means the City Council or Planning Commission.

(iv) ——— "Public statement" means a statement made in the ordinary course of business of the public body with the intent that all other members of the public body receive it.

(2) Notice. The public body may, by following the procedures and requirements of this Policy, convene and conduct an electronic meeting. The public body convening or conducting an electronic meeting shall:

(i) Give public notice of the meeting pursuant to *Utah Code Ann. § 52-4-202* and other applicable provisions of the Utah State Code;

(ii) ~~Post written notice at the anchor location;~~

(iii) Provide notice of the electronic meeting to the members of the public body at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present; ~~in accordance with Utah Code Ann. § 52-4-202(5)(a), this notice may be disregarded if because of unforeseen circumstances it is necessary for the public body to hold an emergency meeting to consider matters of an emergency or urgent nature and the best notice practicable is given;~~ and

(iv) Provide a description of how the members will be connected to the electronic meeting.

(v) Any member of the public body wishing to participate in a public meeting via electronic means shall give at least 72 hours notice to the City Recorder or appropriate member of City staff, except in cases where the member has not received more than 72 hours notice of the meeting. In the event that the member of the public body receives less than 72 hours notice of the meeting, any wishes to participate in the meeting via electronic means must be given immediately upon receipt of meeting notice. Such wishes shall be communicated to the City Recorder or appropriate member of City staff.

(3) Location. An anchor location shall be established for the public meeting which is in the building and political subdivision where the public body would normally meet if they were not holding an electronic meeting. Space and facilities shall be provided at the anchor location so that interested persons and the public may attend and monitor the open portions of the meeting.

(4) Procedures Governing Electronic Meeting. The procedures to be followed at the electronic meeting shall be the same as those followed by the public body in a non-electronic open and public meeting of the public body. The meeting shall be held pursuant to the agenda posted for that meeting. Prior to commencing the electronic meeting, an electronic link shall be established with all participants and the anchor location. Minutes shall be kept for the meeting in accordance with the requirements of the Open And Public Meetings Law Act. Following passage of a motion to adjourn, the electronic link shall be terminated and the meeting shall be deemed concluded.

(5) Participation. A Space and facilities will be provided at the anchor location so that interested persons and the public may attend, monitor and participate in the meeting as appropriate. If interested parties shall be able to either hear public statements made by all members—Members of the public body participating in the meeting electronically shall be connected in a manner allowing all present at the anchor location to monitor the member’s public statements. , or be able to view and hear all members participating in the meeting. Nothing in this policy may be construed to interfere with accommodations made under the Americans With Disabilities Act.

~~(5)~~(6) Two Meeting Maximum. Members of the public body are encouraged to attend all meetings in person whenever possible. To discourage an abuse of this Electronic Meetings Policy, no member shall be allowed use electronic communication to attend more than two meetings where issues are voted on per calendar year. There shall be no limit to member attendance via electronic communications in work sessions, as these meetings do not include votes.

~~(6)~~(7) Statement. Each agenda for an electronic meeting shall include the following statement:

*Meetings of the Syracuse City Council (Planning Commission/Board of Adjustment) may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Rules, Policies and Procedures established by the Governing Body for electronic meetings.*



# COUNCIL AGENDA

September 11, 2012

Agenda Item **E**                      Accept for a first reading: Draft rewrite of Title Seven of the Syracuse City Code

***Factual Summation***

- The recent Council discussion regarding fireworks restrictions brought to the attention of staff some issues with the current version of Title Seven of the City Code, which deals with Health and Fire. As a result, Fire Chief Froerer and City Attorney Carlson began working on a draft rewrite of this Title to address those issues.
- A redlined version of the document is included in your packet as well as a clean version.
- Staff is requesting that the Council accept this document for a first reading and be prepared to have a more in-depth discussion (if necessary) during the September 25 extended work session. After that meeting a public hearing can be set for October 9 to give the Council the opportunity to adopt a final version of the Title.
- Any questions regarding this item can be directed at Fire Chief Froerer or City Attorney Carlson.

# TITLE VII

## HEALTH & FIRE

### CHAPTER 1: CITY-COUNTY HEALTH DEPARTMENT

7.01.010 CREATION OF CITY-COUNTY HEALTH DEPARTMENT

7.01.020 POWERS OF DAVIS COUNTY HEALTH DEPARTMENT

7.01.030 DAVIS COUNTY HEALTH DEPARTMENT RULES ADOPTED

### CHAPTER 2: UNIFORM FIRE CODE

7.02.010 AUTHORITY OF FIRE DEPARTMENT

7.02.020 ADOPTION OF INTERNATIONAL FIRE CODE

7.02.030 FIRE OFFICIAL

7.02.040 INSPECTION OF BUILDINGS

7.02.050 FIRE INVESTIGATIONS BY FIRE OFFICER

7.02.060 ENTRY DURING FIRES

7.02.070 PENALTIES

### CHAPTER 3: FIRE DEPARTMENT

7.03.010 FIRE DEPARTMENT CREATED

7.03.020 COMPOSITION OF DEPARTMENT

7.03.030 DUTIES OF CHIEF

7.03.040 DIVISIONS

7.03.050 MEMBERSHIP

7.03.060 EQUIPMENT

7.03.070 RECOMMENDATIONS FOR PURCHASE

7.03.080 EQUIPMENT TO BE SAFELY KEPT

7.03.090 TAMPERING WITH EMERGENCY VEHICLE

7.03.100 ALARM SYSTEM

7.03.110 PRIVATE USE OF EQUIPMENT PROHIBITED

7.03.120 UNAUTHORIZED ENTRY OF PLACE WHERE FIRE APPARATUS STORED PROHIBITED

7.03.130 MUTUAL AID OR COOPERATIVE AGREEMENTS

7.03.140 APPARATUS FOR CITY USE--EXCEPTIONS

7.03.150 ISSUANCE OF BADGE

7.03.160 AUTO INSIGNIA

[7.03.170 PENALTY FOR VIOLATION](#)  
[7.03.180 DEPARTMENT MEMBERS TO ENFORCE](#)  
[7.03.190 POLICE OFFICERS TO ASSIST](#)  
[7.03.200 SPECIAL OFFICERS](#)  
[7.03.210 DUTIES OF SOCIAL OFFICERS](#)  
[7.03.220 RULES AND REGULATIONS OF FIRE DEPARTMENT](#)  
[7.03.230 INTENT OF CHAPTER](#)

#### **CHAPTER 4: GENERAL FIRE REGULATIONS**

[7.04.010 RIGHT OF WAY](#)  
[7.04.020 MAY BLOCKADE STREET](#)  
[7.04.030 REMOVAL OF OBSTRUCTIONS](#)  
[7.04.040 USE OF WATER](#)  
[7.04.050 FALSE ALARMS](#)  
[7.04.060 WILLFULLY OR NEGLIGENTLY CAUSING FIRE](#)  
[7.04.070 UNLAWFUL INTERFERENCE](#)  
[7.04.080 DRIVING OVER FIRE HOSE](#)  
[7.04.090 LIMITS AT FIRE](#)  
[7.04.100 DUTY OF BY-STANDERS](#)  
[7.04.110 BLOCKING FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS](#)  
[7.04.120 HYDRANT USE APPROVAL](#)  
[7.04.130 TAMPERING WITH FIRE HYDRANTS](#)  
[7.04.140 PARKING OF VEHICLE NEAR FIRE STATION](#)  
[7.04.150 ACCUMULATION OF REFUSE AND RUBBISH](#)  
[7.04.160 NUISANCE, INJUNCTION](#)

#### **CHAPTER 5: OUTDOOR AND OPEN BURNING REGULATIONS**

[7.05.010 PURPOSE](#)  
[7.05.020 APPLICABILITY](#)  
[7.05.030 DEFINITIONS](#)  
[7.05.040 GENERAL PROHIBITION ON OUTDOOR BURNING AND OPEN BURNING](#)  
[7.05.050 PERMISSIBLE BURNING - WITHOUT PERMIT](#)  
[7.05.060 OPEN BURNING OF BRUSH, LEAVES, AND GRASS CLIPPINGS](#)  
[7.05.070 AGRICULTURAL BURNING](#)  
[7.05.080 BURNING PERMITS](#)  
[7.05.090 EXTINGUISHING OUTDOOR FIRES](#)  
[7.05.100 LIABILITY](#)  
[7.05.110 PENALTY](#)

**CHAPTER 6: FIREWORKS**

7.06.010 PURPOSE

7.06.020 HAZARDOUS ENVIRONMENTAL CONDITIONS

7.06.030 AUTHORITY OF LOCAL FIRE OFFICIAL TO ISSUE ORDERS

7.06.040 GEOGRAPHIC AREAS AFFECTED

7.06.050 PUBLIC NOTICE

7.06.060 PENALTY

7.06.070 ENFORCEMENT

7.06.080 REPEAL AND SEVERABILITY

**CHAPTER 7: COST RECOVERY FOR HAZARDOUS MATERIAL RELATED EMERGENCY**

7.07.010 PURPOSE

7.07.020 DEFINITIONS

7.07.030 RECOVERY AUTHORIZATION

7.07.040 NO ADMISSION OF LIABILITY

7.07.050 ACTION TO RECOVER

**CHAPTER 8: COST RECOVERY FOR FIRE RELATED EMERGENCIES**

7.08.010 PURPOSE

7.08.020 DEFINITIONS

7.08.030 RECOVERY AUTHORIZATION AND PROCEDURE

7.08.040 NO ADMISSION OF LIABILITY

7.08.050 ACTION TO RECOVER COSTS

CHAPTER 1

**CITY-COUNTY HEALTH DEPARTMENT**

~~7-1-1:~~7.01.010 ~~Creation of City-County Health Department~~REATION OF CITY-COUNTY HEALTH DEPARTMENT

~~7-1-2:~~

~~7.01.020~~ ~~POWERS OF CITY-COUNTY HEALTH DEPARTMENT~~Powers of Davis County Health Department

7.01.030 Davis County Health Department Rules Adopted

7.01.010 ~~CREATION OF CITY-COUNTY HEALTH DEPARTMENT.~~

~~The City of~~ Syracuse hereby joins with Davis County and the other Participating towns and cities of Davis County in the creation of a full-time City-County Health Department in Davis County, State of Utah, which Department shall be known as the Davis County Health Department. (1971)

7.01.020 ~~POWERS OF CITY-DAVIS COUNTY HEALTH DEPARTMENT.~~

The ~~City-County Health Department~~Davis County Health Department is hereby authorized and empowered to act within the incorporated limits of Syracuse ~~City~~ in accordance with authority granted to a ~~City~~ County Health Department in Title 26~~A~~, Chapter 15, Section ~~103s 33 to 53 inclusive~~, of the Utah Code Annotated, 1953, as amended. (1971)

7.01.010

**DAVIS COUNTY HEALTH DEPARTMENT RULES**

**ADOPTED.** The laws, rules, and regulations currently adopted and/or followed by the Davis County Health Department, and as amended or superseded from time to time, are hereby adopted by reference and made part of these revised ordinances as if fully set out at length herein. All laws, rules and regulations contained therein, where applicable and within the jurisdictional authority of Syracuse, shall be in full force and effect within the limits of the City, except as hereinafter specified.

## CHAPTER 2

### HEALTH AND SANITARY REGULATIONS

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~~7-2-1: License Required to Engage in Food Handling Business~~

~~7-2-2: Standards of Quality~~

~~7-2-3: Offering Unwholesome Food for Sale~~

~~7-2-4: Meat Markets—Facilities Required~~

~~7-2-5: Handling Meat or Food Products—Sanitary Requirements~~

~~7-2-6: Inspection of Meat~~

~~7-2-7: Premises to be Clean~~

~~7-2-8: Control of Food Processors~~

~~7-2-9: Regulation of Sale of Milk~~

~~7-2-10: Health Department May Enter Premises~~

~~7-2-11: Physicians to Report Contagious Diseases~~

~~7-2-12: Unsanitary Dispensers of Food~~

~~7-2-13: Unlawful to Allow Garbage to Accumulate~~

~~7-2-14: Vacating Premises~~

~~7-2-15: Dumping Garbage Only at Lawful Place~~

~~7-2-16: Establishment of Dumping Grounds~~

~~7-2-17: Health Department May Close to Occupancy~~

~~7-2-1: — LICENSE REQUIRED TO ENGAGE IN FOOD HANDLING BUSINESS. It shall be unlawful for any person to engage in the business of handling, selling, offering for sale, preparing, processing, or serving any food or food products, beverages or water intended for human consumption, or to fumigate any human habitation, or to operate a cannery, food packing or processing plant, or a slaughter house or~~

animal disposal establishment, or to clean out or install any privy, cesspool, or septic tank, without first making application for and obtaining from the City Board of Health, or City Council, a written permit so to do. Application for such permit shall be made in writing and filed with the City Council, together with a fee of One Dollar. The fee shall be deposited with the City Treasurer if the Application is granted, and returned to the applicant if denied. (1971)

~~7-2-2: **STANDARDS OF QUALITY.** The standards of quality, purity and strength of food and drinks that have been or shall hereafter be adopted by the United States Department of Agriculture, are hereby declared to be the standards of purity and strength of food and drinks of this City, and said standards of quality, purity and strength of food and drinks adopted by the United States Department of Agriculture are hereby made a part of this Chapter, except where otherwise specified. (1971)~~

~~7-2-3: **OFFERING UNWHOLESOME FOOD FOR SALE.** No person shall expose or offer for sale, or sell for human food, any blown, meager, diseased or bad meat, poultry or game, or an unsound, diseased or unwholesome fish, fruit, vegetables, or other market produce. No person shall within this City, expose or offer for sale or sell for human consumption, any sick or diseased animal, or the flesh of any animal, which when killed was sick or diseased, or that died a natural or accidental death. Any article or animal that shall be offered or exhibited for sale in any market as though it were intended for sale, shall be deemed offered and exposed for sale within the meaning of this Section. No person shall sell or offer for sale in this City any unwholesome food or drink, or any food or beverage which has been condemned by a government or a City inspector or by an inspector of the Health Department, and the City Council may cause such food or drink to be seized and confiscated. (1971)~~

~~7-2-4: **MEAT MARKETS FACILITIES REQUIRED.** It shall be unlawful to use any building, room or place as a meat market, unless the same be provided with a refrigerator of sufficient capacity to handle all meats and~~

meat products held for sale, the same to be maintained at a temperature of not more than 45° Fahrenheit; such places shall be provided with suitable racks and receptacles for meats and all utensils, hooks, hangers, racks, and dishes, shall be kept in a sanitary condition. (1971)

~~7-2-5: **HANDLING MEATS OR FOOD PRODUCTS—SANITARY REQUIREMENTS.** It shall be unlawful for any person engaged in the handling, preparation or processing of meats or food products to fail to keep his hands and clothing in a sanitary condition, or to work with or around said meats and foods while affected with tuberculosis, or any communicable disease. (1971)~~

~~7-2-6: **INSPECTION OF MEAT.** It shall be unlawful to sell, or offer for sale any meat or meat products or any animal which has not been inspected by a government, state, county or city inspector in accordance with regulations established by the United States Department of Agriculture, and the regulations of the Department of Agriculture, and the regulations of the Department of Agriculture of the State of Utah, and for this purpose the City Council may appoint a competent inspector or inspectors whose duties shall be to inspect all slaughtering and operations conducted in such slaughter houses, and may provide fees for inspection and services to be paid by said slaughter houses. (1971)~~

~~7-2-7: **PREMISES TO BE CLEAN.** It shall be unlawful for the owner or occupant of any cannery, food packing or processing plant, or other place where food is canned, prepared or processed, kept or sold, to permit the said premises or yard connected therewith to remain unclean, or in any state or condition detrimental to the public health. (1971)~~

~~7-2-8: **CONTROL OF FOOD PROCESSORS.** The provisions of this Chapter shall apply to all packing houses, slaughter houses, dairies and canaries located in or within one mile of the limits of the City of Syracuse, and to all other food processing and canning plants within said~~

area. (1971)

~~7-2-9: **REGULATION OF THE SALE OF MILK.** It shall be unlawful for any person to offer for sale in this City any unwholesome, watered or adulterated milk, or milk known as swill milk, or milk, from cows that are fed on swill, garbage, or other like substance, or to offer for sale any butter or cheese made from such milk. It shall be unlawful for any person to bring or send into this City, any milk without first having obtained a permit from the Health Department to do so. Such permit shall be given by said Health Department whenever, upon inspection of the vessels used to hold milk, and test of the milk, it shall appear that said vessels and premises are kept in good sanitary condition, and that the milk meets the requirements of the rules adopted by such Health Department and compliance with the State Board of Health regulations. None but pure wholesome, unadulterated and undiluted milk shall be sold or offered for sale.~~

~~After such permit shall have been granted, the Health Officer shall have the power to revoke such permit and condemn whenever, upon inspection of the premises and vessels and the test of milk, it shall appear that such premises or vessels are not kept in a good sanitary condition, or that the milk does not meet the requirements of the rules of the Health Department; and it shall be unlawful for any person to sell, or offer to sell, or offer for sale, any milk so condemned. (1971)~~

~~7-2-10: **HEALTH DEPARTMENT MAY ENTER PREMISES.** The Health Department or any duly authorized representative thereof is hereby empowered, when it shall be deemed necessary to secure or preserve the public health, to enter into or upon any premises, buildings or other places open to the public to examine the condition of such building, premise, or other place, or of any person occupying the same or working therein or thereon, and also to examine, analyze or test any products of goods manufactured, stored, or kept for sale upon or in any building or premises and if, after such examination, analysis tests, such products or goods shall be found unfit for human food, or unsanitary, to~~

condemn or destroy all such foodstuffs, goods, or products. (1971)

~~7-2-11: **PHYSICIANS TO REPORT CONTAGIOUS DISEASES.** It shall be unlawful for physicians of other persons having knowledge of the existence of any contagious or infectious diseases or having reason to believe that any disease exists, to fail to report the same forthwith to the Health Department. (1971)~~

~~7-2-12: **UNSANITARY DISPENSERS OF FOOD.** Whenever it is determined by a member of the Health Department that filthy or unsanitary conditions exist or are permitted to exist in the operation of any hotel, restaurant, boarding house, food store or other public place where food or beverages are manufactured, processed, stored, deposited, sold or offered for sale, for any purpose whatsoever, the proprietor or any person operating said place shall first be notified and warned by the Health Department to place said premises in a sanitary condition within a reasonable length of time, and any such person who fails to obey such notice or who shall continue to deal in said foods or beverages, from premises thus failing to comply, shall be guilty of a violation of this Chapter.(1971)~~

~~7-2-13: **UNLAWFUL TO ALLOW GARBAGE TO ACCUMULATE.** It shall be unlawful for any person to allow garbage, dead animals or other refuse to accumulate upon the premises occupied by such person. (1971)~~

~~7-2-14: **VACATING PREMISES.** It shall be unlawful for any person upon vacating or removing from dwellings, apartments, storerooms or other buildings situated within the corporate limits of the City to fail to remove all garbage, rubbish and ashes from such buildings and premises and also the ground appurtenant thereto; or to fail to place the same in a thoroughly sanitary condition within 24 hours after said premises shall be vacated. (1971)~~

~~7-2-15: **DUMPING GARBAGE ONLY AT LAWFUL PLACE.** It shall be unlawful for any person to dump, deposit, leave or cause or permit to be~~

dumped, deposited or left, any garbage or offensive material, vegetable waste, market waste, or any other waste food products, animal by-products, ashes or any other refuse or waste material, except at such times and places as may be designated by the City Council, in accordance with the terms of this Chapter. (1971)

~~7-2-16: ESTABLISHMENT OF DUMPING GROUNDS. The City Council may, by resolution or ordinance, establish a dumping ground for certain material within the limits of the City, which dumping ground shall be, as far as is practical, used by the inhabitants of the City.~~

~~The City Council shall adopt rules and regulations for the use of the said dumping ground and shall appoint a qualified supervisor to enforce such rules and regulations. Such rules and regulations shall specify the area where the same may be dumped and the kind and classes of material to be dumped thereupon. It shall be unlawful for any person to dump any waste material at any place in the City except under the direction of the supervisor so appointed by the City Council and in accordance with rules and regulations so adopted by the City Council. (1971)~~

~~7-2-17: HEALTH DEPARTMENT MAY CLOSE TO OCCUPANCY.~~

~~Whenever, in the opinion of the Health Department, any building or dwelling has, because of its unsanitary condition, become a menace to life or health or unfit for human habitation, said Health Department shall have the power to close to occupancy said building or dwelling and/or cause to be vacated said building or dwelling until the same is put in a clean and sanitary condition as required by the rules and regulations of the Health Department. It shall further be the duty of the Health Department to notify the owner, agent or lessee in writing of the action taken and post in a conspicuous place on said building or dwelling a sign reading as follows, to wit: "Closed to Occupancy by order of the Health Department."~~

~~It shall be unlawful for any person to occupy, lodge or sleep in, or cause or permit to occupy, lodge or sleep in, any building or dwelling or other place closed to occupancy by order of the Health Department. (1971)~~

**CHAPTER 3**

**~~GARBAGE COLLECTION AND DISPOSAL~~**

**~~7-3-1: May Provide Services~~**

**~~7-3-2: May Establish Rules and Regulations~~**

~~7-3-1: **MAY PROVIDE SERVICES.** Syracuse City may provide, either directly or by agreement with a contractor, for the collection and disposition of garbage and trash within the corporate limits of the City. (1971)~~

~~7-3-2: **MAY ESTABLISH RULES AND REGULATIONS.** The City Council of Syracuse may by resolution establish rules and regulations governing the disposal and collection of garbage and fixing rates for the collection of the same. (1971) (See Ordinance 86-8 and Resolution R90-4)~~

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CHAPTER 42

UNIFORM FIRE CODE

~~7-4-1:~~7.02.010 ~~Adoption of Uniform Fire Code~~ Authority of Fire Department

7.02.020 Adoption of International Fire Code

7.02.030 Fire Official

~~7-4-2:~~7.02.040 Inspection of Buildings

~~7-4-3:~~7.02.050 Fire Investigations by Fire Officer

7.02.060 Entry During Fires

7.02.070

~~7-4-4:~~ Penalties

7.02.010 AUTHORITY OF FIRE DEPARTMENT

The Fire Department's authority at fires and other emergencies involving the protection of life or property, interference with fire department operations, compliance with orders of the fire chief, and crossing fire hoses with vehicles, shall be governed by the code as adopted by chapters Four (4) through Ten (10), inclusive, as well as state and federal law.

7.02.020 ADOPTION OF INTERNATIONAL FIRE CODE:

The International Fire Code, ~~2000, published by International Code Council, Inc. and~~ as currently adopted by the State of Utah is hereby adopted by reference and made part of these revised ordinances. Any successive amendments, editions, and/or appendixes adopted by the State of Utah are hereby incorporated herein by reference and shall be effective upon the date they are effective as a Utah State Statute. Not less than three copies of said

code shall be deposited in the office of the City and open for public inspection and uses. (Ord. 02-04)

~~7.02.010~~7.02.030 **FIRE OFFICIAL**

From time to time, the International Fire Code refers to the local government's "Fire Official" or "Authority having Jurisdiction." These shall be held to mean the Fire Chief or a designee of the Fire Chief.

~~7.02.020~~7.02.040 **INSPECTION OF BUILDINGS.**

The Fire Chief, ~~or~~ Fire Marshal of the City, ~~or of the County~~ and the City Building Inspector may enter any building or premises not used as a private dwelling at any reasonable hour for the purpose of inspecting and enforcing the rules, regulations and standards adopted by the City or contained within the Utah State Fire Prevention Law. Whenever any building or other structure is discovered to be so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein, the Fire Chief, Fire Marshall, or Building Inspector shall by written order direct the same to be removed or remedied. (1971)

7.02.050 **FIRE INVESTIGATIONS BY FIRE OFFICER.**

The Fire Chief or Fire Marshal of the City ~~or of the County~~ shall ~~investigate the cause, origin and circumstances of each fire occurring in the City by which property has been destroyed or damaged. Such investigation shall be commenced immediately after such fire and shall determine, among other things, whether the fire was the result of carelessness or of design. If the officer making the investigation determines that the fire appears to be of suspicious origin, he shall immediately notify the State Fire Marshal to this effect and shall, within one week after the fire, file~~

with the State Fire Marshall a written report setting forth all of the facts and circumstances regarding the fire and such other information as the State Fire Marshal shall require. (1971) shall investigate the cause, origin, and circumstances of every fire occurring within this city by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of accident or design. The fire marshal shall keep in his or her office a record of all fires, together with all facts, statistics and circumstances, including the origin of the fires and the amount of the loss, which may be determined by the investigation required by this ordinance.

~~7.02.030~~7.02.060 **ENTRY DURING FIRES**

The Fire Chief or Fire Marshal may enter any building to begin an investigation by entering while the fire is in progress and the fire fighters are still at the premises. If the fire marshal enters while the fire is in progress and the fire fighters are present, the fire marshal may remain on the premises until the investigation is completed. After the fire is out and the fire fighters have left the premises, the fire marshal may enter any open space that is not locked, boarded up or otherwise closed off. The fire marshal may enter at any time, even after the fire is out and the fire fighters have left the premises, with the permission of the owner, occupant, or other person entitled to possession, or of any agent of such owner, occupant or person entitled to possession. For any other entry to investigate possible arson the fire marshal shall apply for a search warrant.

~~7.02.040~~7.02.070 **PENALTIES.** ~~Any person who shall violate any of the provisions of the Code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement or specifications or plans submitted and approved there~~

~~under, or any certificate or permit issued there under, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and non-compliance, respectively, be guilty of a Class B Misdemeanor, punishable by a fine of not to exceed \$1,000.00, or by imprisonment in the City or County Jail for not to exceed six months, or by both such fine and imprisonment.~~

Any person who shall violate any of the provisions of Chapters two through eight of this code, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the fire marshal or by a court of competent jurisdiction, within the time fixed in this article, shall severally for each and every violation and noncompliance respectively be guilty of a Class B misdemeanor.

The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (1986)

CHAPTER 53

FIRE DEPARTMENT

- ~~7-5-1:7.03.010~~ -Fire Department Created
- ~~7.03.020~~ ~~7-5-2:~~ Composition of Department
- ~~7.03.030~~ ~~7-5-3:~~ Appointment of Chief Duties of Chief
- ~~7.03.040~~ ~~7-5-4:~~ Chief Accountable to City Council Divisions
- ~~7.03.050~~ ~~7-5-5:~~ Appointment of Assistant Chiefs and Other Department Officers Membership
- ~~7.03.060~~ ~~7-5-6:~~ Duties of Chief Equipment
- ~~7.03.070~~ ~~7-5-7:~~ Membership Recommendations for Purchase
- ~~7.03.080~~ ~~7-5-8:~~ Suspension or Discharge Equipment to be Safely Kept
- ~~7.03.090~~ ~~7-5-9:~~ Equipment Tampering With Emergency Vehicle
- ~~7.03.100~~ ~~7-5-10:~~ Recommendations for Purchase Alarm System
- ~~7.03.110~~ ~~7-5-11:~~ Equipment to be Safely Kept Private Use of Equipment Prohibited
- ~~7.03.120~~ ~~7-5-12:~~ Alarm System Unauthorized Entry of Place Where Fire Apparatus Stored Prohibited
- ~~7.03.130~~ ~~7-5-13:~~ Private Use of Equipment Prohibited Mutual Aid or Cooperative Agreements
- ~~7.03.140~~ ~~7-5-14:~~ Unauthorized Entry of Place Where Fire Apparatus Stored Prohibited Apparatus for City Use--Exceptions
- ~~7.03.150~~ ~~7-5-15:~~ Mutual Aid or Cooperative Agreements Issuance of Badge
- ~~7.03.160~~ ~~7-5-16:~~ Apparatus for City Use--Exceptions Auto Insignia
- ~~7.03.170~~ ~~7-5-17:~~ Issuance of Badge Penalty for Violation
- ~~7.03.180~~ ~~7-5-18:~~ Auto Insignia Department Members to Enforce
- ~~7.03.190~~ ~~7-5-19:~~ Penalty for Violation Police Officers to Assist
- ~~7.03.200~~ ~~7-5-20:~~ Department Members to Enforce Special Officers
- ~~7.03.210~~ ~~7-5-21:~~ City Marshal and Police Officer to Assist Duties of Social Officers
- ~~7.03.220~~ ~~7-5-22:~~ Special Officers Rules and Regulations of Fire Department
- ~~7.03.230~~ ~~7-5-23:~~ Duties of Social Officers Intent of Chapter
- ~~7-5-24:~~ Intent of Chapter

7.03.010 FIRE DEPARTMENT CREATED-

There is hereby created a department to be hereafter known as the

Syracuse ~~City~~ Fire Department, the object of which shall be the prevention of fire and the protection of life and property within the limits of the City of Syracuse. (1971)

**7.03.020 COMPOSITION OF DEPARTMENT:**

The Department shall consist ~~of a Chief, two Assistant Chiefs and other officers as the Chief and City Council may deem necessary for the effective operation of the Department. (1971)~~ of a Fire Chief and such other members as the City may from time to time prescribe.

~~**APPOINTMENT OF CHIEF.** The Chief shall be appointed by the Mayor with the advice and consent of the City Council for an indefinite period of time, and his tenure of office shall depend upon his good conduct and efficiency. The Chief shall be technically qualified by training and experience and shall have ability to command men and hold their respect and confidence. He shall be removed only for just cause and after a public hearing before the City Council. (1971)~~

~~**CHIEF ACCOUNTABLE TO CITY COUNCIL.** The Chief shall be held accountable to the City Council only, and shall make written and verbal reports thereto as the Council may require. All other Department and Company officers shall be accountable to the Chief only. (1971)~~

~~**APPOINTMENT OF ASSISTANT CHIEFS AND OTHER DEPARTMENT OFFICERS.** The Assistant Chief and all other Department and Company officers shall be appointed by the Chief with the approval of the City Council. Such officers shall be accountable only to the Chief, and subject to removal by him. (1971)~~

**7.03.030 DUTIES OF CHIEF:**

1. The Chief shall formulate a set of rules and regulations to govern the Department, and shall be responsible to the City Council for the personnel, morale and general efficiency of the Department.

2. The Chief shall determine the number and kind of companies of which the Department is to be composed and shall determine the response of such companies to alarms.
3. The Chief shall at least once a month conduct suitable drills or instruction in the operation and handling of equipment, first aid and rescue work, salvage, a study of buildings in ~~the City~~ Syracuse, fire prevention, water supplies, and all other matters generally considered essential to good firemanship and safety of life and property from fire.
4. The Chief is hereby required to assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin, and circumstances of all fires.

~~The Chief is hereby empowered to enter any and all buildings and premises at any reasonable hour for the purpose of making inspections and to serve written notice upon the owner or occupant to abate, within a specified time, any and all fire hazards that may be found, and he is hereby empowered so to do. Any person refusing such entry on demand or any person so served with a notice who shall fail or refuse to abate any fire hazard or hazards, within the time and as prescribed in such notice, or to promptly notify the Chief thereof, shall be guilty of a misdemeanor.~~

5. The Chief shall see that complete records are kept of all fires, inspections, apparatus and minor equipment, personnel and other information about the work of the department.
6. The Chief shall report monthly, or at such other intervals as the City Council may direct, to the Council the condition of the apparatus and equipment; the number of fires during

the month, their location and cause, and the date of same and loss occasioned thereby; the number and purpose of all other runs made; and the number of members responding to each fire or other run, and any changes in membership.

7. The Chief shall make a complete annual report to the City Council ~~within one month after the close of the fiscal year, such report to include the information specified in Sub-paragraph (F),~~ together with comparative data for previous years and recommendations for improving the effectiveness of the Department. (1971)

~~7.8.~~ The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary.

#### 7.03.040 DIVISIONS

In order to carry out its functions, the fire department is divided as follows:

1. Fire administration.
2. Fire prevention.
3. Emergency services.
4. Support services.
5. Training and information services.

#### ~~7.03.040~~7.03.050 MEMBERSHIP:

The membership of the Department shall consist of such persons as may be appointed by the Chief ~~and shall be able bodied male~~

~~citizens residing within the City, preferably property owners whose business activities are normally within the confines of Syracuse, and who have telephones in their homes. Determination of whether candidates for appointment are able-bodied shall be made by the Chief after a medical and physical examination has been made in a manner prescribed by the Chief and approved by the City Council. (1971).~~

~~**SUSPENSION OR DISCHARGE.** Any member of the Department may be suspended or discharged from the Department by the Chief at any time he may deem such action necessary for the good of the Department. On written request of such member to the City Council he shall be given a public hearing on the charges brought by the Chief. (1971)~~

~~7.03.05~~7.03.060 ~~**EQUIPMENT:**~~

~~-The Department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire. (1971)~~

~~7.03.060~~7.03.070 ~~**RECOMMENDATIONS FOR PURCHASE:**~~

~~-Recommendations of apparatus and equipment needed shall be made by the Chief, and after approval by the City Council shall be purchased in such manner as may be designated by the Council. (1971)~~

7.03.080 ~~**EQUIPMENT TO BE SAFELY KEPT.** All equipment of the Department shall be safely and conveniently housed in such places as may be designated by the City Council. (1971)~~

Fire suppression equipment shall not be obstructed, removed, tampered with or otherwise disturbed, and shall be installed and maintained, all in accordance with The International Fire Code.

~~7.03.070~~7.03.090 **TAMPERING WITH EMERGENCY VEHICLE**

A person shall not, without proper authorization from the fire chief, cling to, attach himself to, climb upon or into, board, or swing upon any fire department emergency vehicle, whether the vehicle is in motion or at rest, or sound the siren, horn, bell or other sound-producing device thereon, or to manipulate or tamper with, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps, or any equipment or protection clothing on, or a part of, any fire department emergency vehicle. It shall be unlawful for any person to damage or deface, or attempt, or conspire to damage, or deface, any fire department emergency vehicle at any time, or to injure, or attempt to injure, or conspire to injure fire department personnel while performing departmental duties.

**7.03.100 ALARM SYSTEM:**

Suitable arrangements or equipment shall be provided for citizens to turn in an alarm, and for notifying all members of the Department so that they may promptly respond. (1971)

**7.03.110 PRIVATE USE OF EQUIPMENT PROHIBITED:**

No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the Department. (1971)

**7.03.120 UNAUTHORIZED ENTRY OF PLACE WHERE FIRE APPARATUS STORED PROHIBITED:**

No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the Department unless accompanied by, or having the special permission of, an

officer or authorized member of the Department. (1971)

7.03.130

**MUTUAL AID OR COOPERATIVE AGREEMENTS-**

The City Council may enter into agreements or contracts with nearby incorporated communities or governing bodies of other organizations to provide the members of such communities or organizations with fire protection or to establish a mutual aid system, and the City shall not be liable for damage to persons or property resulting from fire fighting equipment being outside the City limits pursuant to such agreements. (1971)

7.03.140

**APPARATUS FOR CITY USE --EXCEPTIONS-**

No apparatus shall be hired out or permitted to leave the City, except in response to a call for aid at a fire in a neighboring community without the consent of the City Council. The officer in charge of the Department shall have power to assign equipment for response to calls for outside aid in accordance with Section 7-5-15, and in other cases only when the absence of such equipment will not jeopardize protection in this City. (1971)

7.03.150

**ISSUANCE OF BADGE-**

Each member of the Department may be issued a badge designating his rank, when determined necessary and advisable by the Chief. (1971)

7.03.160

**AUTO INSIGNIA-**

Each member of the Department driving a car shall be issued a suitable insignia to be attached to the car. (1971)

7.03.170

**PENALTY FOR VIOLATION-**

Any person violating the provisions of [this chapter Sections 7-5-6\(E\), 7-5-13, or 7-5-14](#) shall be guilty of a Class B misdemeanor and upon conviction, pay a fine in any sum not to exceed \$1,000.00, or be imprisoned for not to exceed six months, or be punished by both said fine and imprisonment. (1986)

7.03.180

**DEPARTMENT MEMBERS TO ENFORCE-**

All regularly appointed members of the Department are hereby given the necessary special police powers for the purpose of enforcing the provisions of this Chapter. (1971)

7.03.190

**~~CITY MARSHAL AND~~ POLICE OFFICERS TO ASSIST-**

It is hereby made the special duty of the ~~City Marshal~~, Chief of Police and/or other peace officers who may be on duty and available for fire duty, to respond to all fire alarms and assist the Department in the protection of life and property, in regulating traffic, maintaining order, and in enforcing observance of all sections of this Chapter. (1971)

7.03.200

**SPECIAL OFFICERS-**

The Department may elect a President, Vice President, Secretary, and Treasurer, to be known as ~~Social Officers~~[Firefighters Association Officers](#). Such officers may be elected in any manner and for any term the membership may decide upon, and their duties shall be to arrange for and manage any or all social functions sponsored by the Department. (1971)

7.03.210

**DUTIES OF ~~SOCIAL~~ FIREFIGHTERS ASSOCIATION OFFICERS-**

The functions and duties of said ~~Social~~[Firefighters Association](#) Officers shall in no wise interfere with those of the regular

Department officers who are charged with responsibility for all fire service activities of the Department. (1971)

~~7.03.210~~7.03.220 **RULES AND REGULATIONS OF FIRE DEPARTMENT**

The Fire Chief as head of the fire department shall make such rules and regulations for the government of the officers and members of the fire department as he may deem advisable, and may establish such penalties for the violation of any such rule or regulation as he may consider necessary and proper for the enforcement of discipline and the due subordination of the members of the department. He shall also make suitable regulations under which the officers and members shall be required to wear appropriate uniforms and badges as the exigencies of their duties may require, and by which, in case of fire, and at other times, the authority and relation of such officers and members shall be known. Every member of the department shall be furnished with a copy of such rules and regulations as are in force.

~~7.03.220~~7.03.230 **INTENT OF CHAPTER-**

In adopting the foregoing Chapter, it is the declared intent and purpose of the City Council to comply with the provisions and recommendations of the Utah State Fire Prevention ~~Law and the rules and regulations and standards promulgated in accordance therewith, and with the provisions of the Uniform Fire Code, 1979 Edition.~~ (1971)

CHAPTER 64

GENERAL FIRE REGULATIONS

- ~~7-6-1:7.04.010~~ Right of Way
- ~~7-6-2:7.04.020~~ May Blockade Street
- ~~7-6-3: Right to Enter Upon Premises~~
- ~~7-6-4:7.04.030~~ Removal of Obstructions
- ~~7-6-5:7.04.040~~ Use of Water
- ~~7-6-6:7.04.050~~ False Alarms
- ~~7-6-7:7.04.060~~ Willfully or Negligently Causing Fire
- ~~7-6-8:7.04.070~~ Unlawful Interference
- ~~7-6-9:7.04.080~~ Driving Over Fire Hose
- ~~7-6-10:7.04.090~~ Limits at Fire
- ~~7-6-11:7.04.100~~ Duty of By-Standers
- ~~7-6-12: Parking Near Fire Hydrant~~7.04.110 Blocking Fire Hydrants and Fire Department Connections
- ~~7-6-13:7.04.120~~ Hydrant Use Approval
- 7.04.130 Tampering With Fire Hydrants
- 7.04.140 Parking of Vehicle Near Fire Station
- ~~7-6-14:7.04.150~~ Accumulation of Refuse and Rubbish
- 7.04.160 Nuisance, Injunction
- ~~7-6-15: Notice of Fire Hazards~~

7.04.010 **RIGHT OF WAY:**

It is hereby provided that any fire truck and movable fire fighting apparatus, and all personal cars of Fire Department members traveling within the City of Syracuse shall have the right of way over all other vehicles of every kind when responding to a fire alarm, and it shall be unlawful for the owner or operator of any vehicle to drive or operate the same in head of said fire truck or at a distance less than 600 feet or to follow the same at a distance closer than 600 feet, or to park within 300 feet of a fire. (1971)

7.04.020 **MAY BLOCKADE STREET:**

Whenever a fire shall occur, it shall be lawful for the officer in charge to blockade any street, avenue, alley, sidewalk or other place within the geographic limits of Syracuse ~~City~~, if in his judgment it is necessary to secure the efficient working of the men, hose, engines, or hook and ladder apparatus under his command, and to protect the hose from injury. It shall be unlawful for any person to break through said blockade. (1971)

~~**RIGHT TO ENTER UPON PREMISES.** Firemen shall at any time have the right to enter upon any premises, for the purpose of investigating, extinguishing or controlling fires; and they may at any reasonable hour enter premises for the purpose of inspecting the same. (1971)~~

**7.04.030**

**REMOVAL OF OBSTRUCTIONS.**

When a fire is in progress, the officer in charge may order the removal or destruction of any building, fence, or any telephone, telegraph or electric light poles or wires or any other obstruction in order to prevent the progress of the fire, but no officer or ~~fireman~~ firefighter shall unnecessarily or recklessly destroy or injure any building or other property. (1971)

**7.04.040**

**USE OF WATER.**

The officer in charge at a fire shall have the right to use water from any source for the purpose of extinguishing the fire or for saving property in danger of being destroyed by fire. (1971)

**7.04.050**

~~**FALSE ALARMS.** Any person who shall, without cause, give an alarm of fire by outcry, or ringing of bells or otherwise, shall be deemed guilty of a misdemeanor. (1971)~~

No person shall deliberately or maliciously turn in an alarm of fire when in fact that person knows that no fire exists. Such acts of

deliberate or malicious false alarms shall be punishable as prescribed under laws of the state and/or the ordinances of the city. No person shall activate any installed fire warning system or any fixed fire extinguishing system for purposes other than emergency, maintenance, drill, or prescribed testing.

7.04.060

**WILLFULLY OR NEGLIGENTLY CAUSING FIRE.**

It shall be unlawful for any person willfully or negligently to ignite or cause to be ignited any trees, shrubs, cultivated crop, fence, building or other property on any land not his own, or to throw any lighted cigar, cigarette, match or other burning material whatsoever on any land cover which will carry fire. (1971)

7.04.070

**UNLAWFUL INTERFERENCE.**

It shall be unlawful for any person to ~~willfully~~ hinder any officer in the discharge of his duty at a fire or emergency, or in any manner injure, deface or destroy any engine, hose or other ~~fire~~ apparatus or to interfere with any fire company or person, or to willfully break or injure any water pipe, or in any way interfere with the water or its course of supply. (1971)

7.04.080

**DRIVING OVER FIRE HOSE.** ~~It shall be unlawful for the owner or person in charge or control of any motor vehicle or for anyone driving or operating any other type of vehicle to drive the same over any fire hose on any street in this City. (1971)~~

A person may not operate or be in actual physical control of a vehicle that is driven or propelled over any fire hose of any fire department when laid down on any street, alley, way, private drive, or any other vehicular roadway without the consent of the fire chief or person in command of the operation.

7.04.090

**LIMITS AT FIRE:**

The City ~~Marshal~~Police Chief, in conjunction with the fire officer in charge, may prescribe the limits in the vicinity of the fire within which no person, except ~~firemen~~firefighters and members of the Police Department or those admitted by order of the officer in charge, shall be permitted to come. (1971)

7.04.0100

**DUTY OF BY-STANDERS.** ~~The City Marshal, or officer in charge at the fire, may require the aid of every citizen, inhabitant or by stander in drawing any engine, cart or other fire apparatus to the fire, and, upon refusal or neglect of any such person to immediately comply with such requirement, the offender shall, upon conviction thereof, be liable to a fine not exceeding \$25.00 All officers authorized to command the aid or assistance of any citizen, inhabitant or by stander are hereby authorized likewise to arrest such citizen, inhabitant, or by stander for refusal to obey any reasonable directions for the extinguishing of fire or the protection of property. (1971)~~

No person shall fail or willfully refuse to comply with any lawful order or direction of a member of the fire department nor interfere with the compliance attempt of another individual.

7.04.0110

**PARKING NEAR FIRE HYDRANT.** ~~It shall be unlawful for the owner or operator of any motor vehicle or the driver of any horse, gas or steam propelled vehicle to stop or park the same within a distance of ten feet of any fire hydrant within the City of Syracuse. (1971)~~ **BLOCKING FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS**

It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any fire department connection for the pressurization of fire suppression systems, including fire hydrants and fire department connections

that are located on public or private streets and access lanes, or on private property.

**7.04.0120 HYDRANT USE APPROVAL**

A person shall not use or operate any fire hydrant intended for use of any fire department for fire suppression purposes unless such person first secures a permit for such use from the fire chief and the Public Works Department. This section shall not apply to the use of such hydrants by a person employed by, and authorized to make such use by, the Public Works Department.

**~~7.04.0110~~7.04.0130 TAMPERING WITH FIRE HYDRANTS**

No person shall tamper with, turn on, adjust, damage or attempt to tamper with, open, turn on or adjust any fire hydrant owned by the city or connected to the city water system. Nothing in this section shall apply to any person authorized by the city water department or city fire department to do anything to a fire hydrant.

**~~7.04.0120~~7.04.0140 PARKING OF VEHICLE NEAR FIRE STATION**

No person shall park any vehicle or otherwise cause any obstruction to be placed within 30 feet of the entrance to any fire station or other place where fire apparatus is stored, or within 20 feet of the driveway approach from said station onto the public street, or within 10 feet of any fire hydrant or cistern. (1971)

**~~7.04.0130~~7.04.0150 ACCUMULATION OF REFUSE AND RUBBISH**

It shall be unlawful for any person to accumulate or permit the accumulation of empty boxes, refuse, water, rubbish, weeds or other inflammable substances, or to constitute a fire hazard when not required in the ordinary process of farming on any premises

owned, rented, or controlled by him within the City limits or to carry on any business in or about any premises in such a manner as to endanger such premises or building or other buildings or premises by fire or explosion. (1971)

**7.04.0160** **NUISANCE, INJUNCTION**

Any fire hazard is hereby declared to be a nuisance. In addition to any other relief provided by this ordinance, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the maintenance of any fire hazard. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

**7.04.0140** ~~**NOTICE OF FIRE HAZARDS.** Whenever, in the judgment of the Fire Chief or City Marshal, any building or structure, or any portion thereof, or any appurtenances or fixtures thereto, or any chimney, smokestack, stove, oven, furnace, or wiring or anything connected with such building or premises is deemed defective or unsafe, and such defective or unsafe condition is such as to create a danger from fire; or whenever the owner or occupant of such building or structure or part thereof keeps material, waste, or rubbish of any description in such manner that the same creates a danger from fire, the Fire Chief or City Marshal, or their deputies, shall give the owner or person having control of such building or structure not exceeding five days notice of required changes, alternations, or repairs necessary to render the same safe to life and property from fire, and any person refusing or neglecting to comply with such notice shall be deemed guilty of a misdemeanor. (1971)~~

CHAPTER 75

**OUTDOOR AND**  
**OPEN BURNING REGULATIONS**

~~7-7-1-7.05.010~~ Purpose  
~~7.05.020~~ Applicability  
~~7.05.030~~ Definitions  
~~7-7-2-7.05.040~~ General Prohibition on Outdoor Burning and Open  
Burning ~~Community Waste Disposal~~  
~~7-7-3-7.05.050~~ Permissible Burning - Without Permit ~~General~~  
~~Prohibitions~~  
~~7-7-4-7.05.060~~ Permissible Burning ~~Without Permit~~ ~~Open Burning~~  
~~of Brush, Leaves, and Grass Clippings~~  
~~7-7-5-7.05.070~~ Permissible Burning ~~With Permit~~  
~~Exemptions~~ ~~Agricultural Burning~~  
~~7-7-6-7.05.080~~ Burning Permits  
~~7.05.090~~ Extinguishing Outdoor Fires  
~~7.05.100~~ Liability  
~~7-7-7-7.05.110~~ Penalty

7.05.010 **PURPOSE**

This chapter is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of Syracuse by regulating the air pollution and fire hazards of open burning and outdoor burning.

7.05.020 **APPLICABILITY**

This chapter applies to all outdoor burning and open burning within Syracuse.

1. This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.

2. This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.

3. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

~~7.05.010~~7.05.030 **DEFINITIONS.**

The following words and phrases used in this Chapter shall have the following meanings unless a different meaning clearly appears from the context.

**AGRICULTURAL BURNING:** Open burning, in rural areas, essential to agricultural operations, including the growing of crops, the raising of fowl, animals or bees, when conducted on the premises where produced.

**AIR CONTAMINANT:** Any particulate matter or any gas, vapor, suspended solid or any combination thereof, excluding steam and water vapors.

**AIR CONTAMINANT SOURCE:** Any and all sources of emission of air contaminants whether privately or publicly owned or operated.

**AIR POLLUTION:** The presence in the ambient air of one or more air contaminants in quantities, or characteristics and under conditions and circumstances, and of a duration sufficient to cause or contribute to injury to human, plant, or animal life or health or to property or which unreasonably interferes with the enjoyment of life or use of property, as determined by the

standards, rules and regulations adopted by the [Air Conservation CommitteeUtah Air Quality Board](#).

ATMOSPHERE: The air that envelopes or surrounds the earth and includes all spaces outside of buildings, stacks or exterior ducts.

APPROPRIATE AUTHORITY: The governing body of any city, town or county.

AUTHORIZED LOCAL AUTHORITY: A city, county or combination health department; a city, county, or combination fire department; or other local agency duly designated by appropriate authority, with approval of State Division of Health, as the agency to issue permits for open burning under regulations of the State Division of Health and other lawfully adopted ordinances, codes or regulations not in conflict therewith.

[CAMPFIRE: A small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste, wood or refuse.](#)

[CLEAN WOOD: natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.](#)

CLEARING INDEX: A number indicted rate of clearance of ground level pollutants from a given area. This number is calculated by ~~the Weather Bureau~~[the National Weather Service](#), from daily measurements of temperature lapse rates and wind speeds and directions from ground level to 10,000 feet.

[CONSTRUCTION AND DEMOLITION WASTE: Building waste materials, including but not limited to waste shingles,](#)

[insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.](#)

DIVISION: Utah State Division of Health.

EMISSION: The act of discharging, into the atmosphere, an air contaminant or an effluent which contains or may contain an air contaminant; or the effluent so discharged into the atmosphere.

[FIRE CHIEF: The Chief of the Syracuse Fire Department or other person designated by the Fire Chief.](#)

GARBAGE: All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food, including wastes attendant thereto.

HEAVY FUEL OIL: A petroleum product or similar material heavier than diesel fuel.

HOUSEHOLD WASTE: Any solid or liquid material normally generated by a family in a residence in the course of ordinary day to day living; including but not limited to garbage, paper products, rags, leaves and garden trash.

[MUNICIPALITY: A county, township, city, or village.](#)

OPEN BURNING: Any burning of combustible materials where the products of combustion are emitted into open air without passing through a chimney or stack.

[OUTDOOR BURNING: Open burning or burning in a patio wood-burning unit.](#)

PATIO WOOD-BURNING UNIT: A chimnea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

PERSON: Any individual, public or private corporation, partnership, association, firm, trust or estate; the state or any department, institution, bureau, or agency thereof, any municipal corporation, county, city and county, or other political subdivision of the state, or any other legal entity whatsoever which is recognized by the law as being subject to rights and duties.

REFUSE: means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter. Any solid waste, including garbage and trash.

SALVAGE OPERATION: Any business, trade or industry engaged in whole or part in salvaging or reclaiming any product or material, including, but not limited to metals, chemicals, shipping containers or drums.

TRASH: Solids not considered to be highly flammable or explosive: including, but not limited to clothing, rags, leather, plastic, rubber, floor coverings, excelsior, tree leaves, yard trimmings and other similar materials.

WASTE: All solid liquid or gaseous material, including but not limited to, garbage, trash, household waste, construction or demolition debris, or other refuse including that resulting from the prosecution of any business trade or industry. (1971)

**7.05.040**

**GENERAL PROHIBITION ON OUTDOOR BURNING AND OPEN BURNING**

Open burning and outdoor burning are prohibited in Syracuse

unless the burning is specifically permitted by this ordinance.

~~7.05.020~~ ~~**COMMUNITY WASTE DISPOSAL.**~~ ~~No open burning shall be done at sites used for disposal of community trash, garbage and other wastes except when authorized for a specific period of time by the Air Conservation Committee on the Basis of justifiable circumstances reviewed and weighed in terms of pollution effects and other relevant considerations at appropriate hearing following written application. (1974)~~

~~7.05.030~~ ~~**GENERAL PROHIBITIONS.**~~ ~~No person shall burn any trash, garbage or other wastes, nor shall conduct any salvage operation, in any open fire except in conformity with the provisions of Sections 7-7-4 and 7-7-5 below. (1974)~~

~~7.05.040~~7.05.050 ~~**PERMISSIBLE BURNING - WITHOUT PERMIT.**~~

When not prohibited by other laws or by other officials having jurisdiction and provided that a nuisance is not created, the following types of open burning are permissible without the necessity of securing a permit:

1. In devices for the primary purpose of preparing food such as outdoor grills and fireplaces.
2. Camp fires and fires used solely for recreational purposes where such fires are under the control of a responsible person.
3. Indoor fireplaces.
- ~~4. Properly operated industrial flares for combustion of flammable gases.~~

5. ~~Burning, on the premises, of combustible household wastes generated by occupants of dwellings of four family units or less in those areas only where no public or duly licensed disposal service is available. (1974)~~

**7.05.050 ~~PERMISSIBLE BURNING WITH PERMIT EXEMPTIONS.~~**

~~When not prohibited by other laws or other officials having jurisdiction and when a nuisance is not created, the types of open burning listed as A, B, C, D, E, and F below are permissible: (1) under the terms of individual permits issued by authorized local authority under a "clearing index" system approved and coordinated by the Utah State Division of Health, or (2) when specifically exempted by the Air Conservation Committee, following written application and appropriate hearing. Application under (2) may be made by a political subdivision of the State as well as by any individual citizen.~~

1. ~~Agricultural burning including on premise orchard prunings, field stubble and weeds, and open burning to clear irrigation ditches. This does not apply to household waste which is covered under Section 7-7-4(F).~~
2. ~~Open burning of tree cuttings and slash in forest areas where the cuttings accrue from pulping, lumbering and similar operations, but excluding waste from sawmill operations such as sawdust and scrap lumber.~~
3. ~~Open burning of ties, trees and brush within railroad and public road rights of way provided that dirt is removed from stumps before burning, and that tires, heavy fuel oil or other materials which can cause severe air pollution are not used to start fires or keep fires burning.~~
4. ~~Open burning of solid or liquid fuels or structures for removal of hazards or eyesores or for fireman training purposes when conducted under the direct control and supervision of organized fire departments.~~

- ~~5.4. Open burning, in remote areas, or highly explosive or other dangerous materials, for which there is no other known practical method of disposal.  
Open burning for special purposes, or under unusual circumstances when approved by the Division following formal request thereof. (1971)~~

**7.05.060 OPEN BURNING OF BRUSH, LEAVES, AND GRASS CLIPPINGS**

1. Open burning of brush, leaves, and grass clippings is allowed only at properties in an agricultural zone, or properties of five (5) acres or larger. Such burning shall be in accordance with all of the following provisions.
2. Except for campfires, a permit issued in accordance with Section 8 of this ordinance must be obtained prior to open burning under this section when the ground is not snow covered.
3. All allowed open burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard. Open burning shall be conducted in conformance with all local and state fire protection regulations.
4. Outdoor campfires and small bonfires for cooking, ceremonies, or recreation are allowed provided they do not cause a nuisance.
5. Open burning shall be allowable by permit during dates designated by the Davis County Fire Warden. All state air clearing index action provisions must be abided by.

6. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
7. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.
8. Except for barbecue, gas, and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition.
9. No open burning may be conducted on days when the Department of Environmental Quality has declared an “air quality action day” applicable to Syracuse.

7.05.070 **AGRICULTURAL BURNING.** Open burning of weeds, brush, and crop stubble on agricultural zones is allowed if conducted in accordance with other applicable provisions of this ordinance and state law.

7.05.080 **BURNING PERMITS.** ~~The Health Office or other official designated by the governing body of Syracuse, shall establish a procedure for issuance of burning permits under the terms of this Chapter. Said officials shall also devise a method of visual determination of any violations of the Code of Open Burning Regulations and shall institute appropriate enforcement procedures as necessary. (1974)~~

1. Except where explicitly authorized by this chapter, no person shall start or maintain any outdoor burning or open

burning without a burning permit issued by the Fire Chief or authorized designee.

2. Any person responsible for burning leaves, brush, clean wood or other vegetative debris under Section 7-7-6 of this ordinance shall obtain a one-time burning permit before starting the fire.
3. When weather conditions or extenuating circumstances warrant, the Fire Chief may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open burning.
4. A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.
- ~~6-5.~~ Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the burning permit shall void the permit.

#### 7.05.090      EXTINGUISHING OUTDOOR FIRES

The fire chief, police chief, or their authorized representatives, shall have the authority to require that any outdoor fire be immediately extinguished when, in their opinion, such fire creates a hazard or constitutes a violation of this section. If such a request for a fire to be extinguished is not fulfilled, the fire chief, police chief, or their authorized representatives, may take action to have such fire extinguished.

#### 7.05.0100      LIABILITY

A person utilizing or maintaining an outdoor fire shall be

[responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.](#)

~~7.05.060~~7.05.0110 **PENALTY:**

Any person who shall violate any of the provisions of this Chapter shall be guilty of a Class C misdemeanor. In addition thereto, such person may be enjoined from continuing such violations, and each day upon which such a violation occurs shall constitute a separate violation. (1986)

CHAPTER 86

**FIREWORKS**

~~7.8.1: Fireworks Prohibited~~ 7.06.010 Purpose  
7.06.020 Hazardous Environmental Conditions  
7.06.030 Authority of Local Fire Official to Issue Orders  
7.06.040 Geographic Areas Affected  
7.06.050 Public Notice  
7.06.060 Penalty  
7.06.070 Enforcement  
7.06.080 Repeal and Severability

~~7.06.010~~ **FIREWORKS PROHIBITED:** It shall be unlawful for any person within the corporate limits of Syracuse City to discharge, explode or set off any rocket, firecracker, Roman Candle, cannon, bomb, or any other fireworks which are combustible or explosive in nature without first obtaining permission of the City Council so to do. The permission herein provided for shall be in writing and shall specify the time when and the place where such fireworks or combustible or explosive matter may be exploded, set off, or discharged. These provisions shall not limit the use of cap guns or sparklers.

It shall be unlawful for any person to sell or to offer for sale or have in his possession or custody, any of the fireworks herein prohibited without first obtaining from the City Council permission in writing so to do.

(1974)

7.06.010 PURPOSE

This Chapter authorizes the fire chief to prohibit the use of fireworks when hazardous environmental conditions necessitate controlling the use thereof.

7.06.020 HAZARDOUS ENVIRONMENTAL CONDITIONS

For the purposes of this chapter, “hazardous environmental conditions” means extreme dryness or lack of moisture, windy conditions, the presence of dry weeds and other vegetation and any combination thereof.

**7.06.030**      **AUTHORITY OF LOCAL FIRE OFFICIAL TO ISSUE ORDERS**

The Fire Chief is hereby authorized to issue orders prohibiting use of any fireworks in any area of the municipality where the Fire Chief determines that hazardous environmental conditions necessitate controlling or prohibiting the use thereof.

**7.06.040**      **GEGRAPHIC AREAS AFFECTED**

The local fire official shall determine what areas are subject to prohibition and the extent of the prohibition and shall identify the same in a written order. The order may also include a map outlining affected areas.

**7.06.050**      **PUBLIC NOTICE**

The city shall immediately post copies of the written order of the Fire Chief in at least three public places within the city; post a copy of the order on the official city website; inform all local news media outlets of the order, and provide a copy of the order thereto.

**7.06.060**      **PENALTY**

Any person who intentionally or knowing violates an order of the fire chief issued pursuant to this chapter is guilty of a class B misdemeanor.

**7.06.070 ENFORCEMENT**

Every officer charged with enforcement of State and municipal laws within the jurisdiction of this municipality, including the Fire Chief is hereby charged with the responsibility to enforce this ordinance.

**7.06.0207.06.080 REPEAL AND SEVERABILITY**

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

CHAPTER 79

**COST RECOVERY FOR  
HAZARDOUS MATERIAL RELATED  
EMERGENCY**

|                           |                           |
|---------------------------|---------------------------|
| <del>7-9-1</del> 7.07.010 | <del>-</del> Purpose      |
| <del>7-9-2</del> 7.07.020 | Definitions               |
| <del>7-9-3</del> 7.07.030 | Recovery Authorization    |
| <del>7-9-4</del> 7.07.040 | No Admission of Liability |
| <del>7-9-5</del> 7.07.050 | Action to Recover         |

**7.07.010 PURPOSE:**

This chapter shall provide procedures for recovering costs incurred by the Syracuse ~~City~~ for City assistance in hazardous material incidents. (Ord. 03-06)

**7.07.020 DEFINITIONS:**

HAZARDOUS MATERIALS EMERGENCY: a sudden and unexpected release, of any substance that, because of its quantity, concentration or physical, chemical or infectious characteristics, presents a direct and immediate threat to public safety or the environment, and requires immediate action to mitigate the threat.

EXPENSES: the actual labor costs of government and volunteer personnel, including workers compensation benefits, fringe benefits, administrative overhead, costs of equipment, cost of equipment operation, cost of materials, cost of disposal, and the cost of any contract labor and materials. (Ord. 03-06)

7.07.030

**RECOVERY AUTHORIZATION:**

Syracuse ~~City~~ shall be entitled to recover expenses it may incur in the cleanup of any hazardous material emergency from the person or entity that owned and/or had control over and/or caused the release of the hazardous material involved in the hazardous materials emergency. Recovery of expenses shall be pursuant to the following procedure:

1. The City shall determine responsibility for the emergency and notify the responsible party by mail of the City's determination of responsibility and the expenses to be recovered.
2. The notice shall specify that the party determined responsible may appeal the City's decision before a hearing officer designated by the mayor and establish a date by which the notice of appeal shall be filed. The appeal date shall be no less than fifteen days from the date of the notice.
3. In the event the party determined responsible appeals the determination, the hearing officer shall hold a public hearing to consider any issues raised by the appeal, at which hearing the appealing party and the City shall be entitled to present evidence in support of their respective positions.
4. The hearing officer shall, after the hearing, make a recommendation to the City Council, who shall issue a decision assessing responsibility and costs. (Ord. 03-06)

7.07.040

**NO ADMISSION OF LIABILITY:**

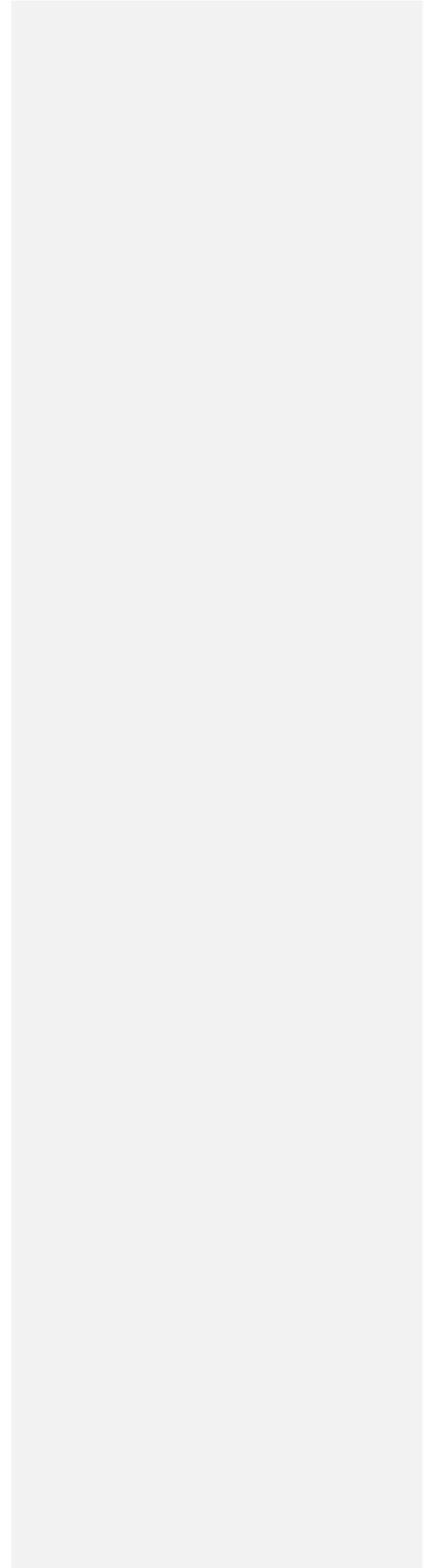
The payment of expenses determined owing under this chapter does not constitute an admission of liability or negligence in any

legal action for damages. (Ord. 03-06)

7.07.050

**ACTION TO RECOVER**

In the event parties determined to be responsible for the repayment of hazardous material emergency costs fail to make payment to the City within thirty (30) days after a determination of any liability, the City may initiate legal action to recover from the parties determined responsible the costs determined to be owing, including the City's reasonable attorney's fees. (Ord. 03-06)



CHAPTER ~~108~~

**COST RECOVERY FOR  
FIRE RELATED EMERGENCIES**

~~7-10-1-7.08.010~~ Purpose  
~~7-10-2-7.08.020~~ Definitions  
~~7-10-3-7.08.030~~ Recovery Authorization and Procedure  
~~7-10-4-7.08.040~~ No Admission of Liability  
~~7-10-5-7.08.050~~ Action to Recover Costs

**7.08.010 PURPOSE:**

This ordinance chapter shall provide procedures for recovering costs incurred by Syracuse ~~City~~ for City assistance in fire emergency. (Ord. 03-07)

**7.08.020 DEFINITIONS:**

As used in this chapter:

1. FIRE EMERGENCY: means a fire proximately caused by a person or business whose conduct was at a minimum grossly negligent and resulted in a fire to which the City and/or assisting agencies responded.
2. EXPENSES: means the actual labor costs of government and volunteer personnel, including workers compensation benefits, fringe benefits, administrative overhead, costs of equipment, cost of equipment operation, cost of materials, cost of disposal, and the cost of any contract labor and materials.

3. GROSSLY NEGLIGENT: means a reckless disregard for the safety of property or others. (Ord. 03-07)

7.08.030

**RECOVERY AUTHORIZATION AND PROCEDURE**

Syracuse City is empowered to recover from any person, corporation, partnership or other individual or entity whose grossly negligent actions cause a fire emergency, expense incurred by Syracuse associated with a response to a fire emergency. Recovery of expenses shall be pursuant to the following procedures:

1. The City shall determine responsibility for the emergency and notify the responsible party by mail of the City's determination of responsibility and the costs to be recovered.
2. The notice shall specify that the party determined responsible may appeal the City's decision before a hearing officer designated by the mayor and establish a date by which the notice of appeal should be filed. The appeal date shall be no less than fifteen days from the date of the notice.
3. In the event the party determined responsible appeals the determination, the hearing officer shall hold a public hearing to consider any issues raised by the appeal, at which hearing the appealing party and the City shall be entitled to present evidence in support of their respective positions.
4. The hearing officer shall after the hearing make a recommendation to the City Council, who shall issue a decision assessing responsibility and costs. (Ord. 03-07)

**7.08.040**

**NO ADMISSION OF LIABILITY:**

The payment of expenses determined owing under this chapter does not constitute an admission of liability or negligence in any legal action for damages. (Ord. 03-07)

**7.08.050**

**ACTION TO RECOVER COSTS:**

In the event a party determined to be responsible for the repayment of fire emergency expenses fails to make payment to the City within thirty (30) days after a determination of any appeal by the mayor to the City Manager, or thirty (30) days from the deadline for appeal In the event no appeal is filed, the City may initiate legal action to recover the costs determined to be owing, including the City's reasonable attorney's fees. (Ord. 03-07)

# TITLE VII

## HEALTH & FIRE

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- 7.01.010 CREATION OF CITY-COUNTY HEALTH DEPARTMENT
- 7.01.020 POWERS OF DAVIS COUNTY HEALTH DEPARTMENT
- 7.01.030 DAVIS COUNTY HEALTH DEPARTMENT RULES ADOPTED

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## CHAPTER 1

# CITY-COUNTY HEALTH DEPARTMENT

- 7.01.010            **Creation of City-County Health Department**
- 7.01.020            **Powers of Davis County Health Department**
- 7.01.030            **Davis County Health Department Rules Adopted**

### 7.01.010            **CREATION OF CITY-COUNTY HEALTH DEPARTMENT**

Syracuse hereby joins with Davis County and the other Participating towns and cities of Davis County in the creation of a full-time City-County Health Department in Davis County, State of Utah, which Department shall be known as the Davis County Health Department. (1971)

### 7.01.020            **POWERS OF DAVIS COUNTY HEALTH DEPARTMENT**

The Davis County Health Department is hereby authorized and empowered to act within the incorporated limits of Syracuse in accordance with authority granted to a County Health Department in Title 26A, Chapter 1, Section 103, of the Utah Code Annotated, 1953, as amended.

### 7-3-1:            **DAVIS COUNTY HEALTH DEPARTMENT RULES**

**ADOPTED.** The laws, rules, and regulations currently adopted and/or followed by the Davis County Health Department, and as amended or superseded from time to time, are hereby adopted by reference and made part of these revised ordinances as if fully set out at length herein. All laws, rules and regulations contained therein, where applicable and within the jurisdictional authority of Syracuse, shall be in full force and effect within the limits of the City, except as hereinafter specified.

## CHAPTER 2

# UNIFORM FIRE CODE

- 7.02.010 Authority of Fire Department
- 7.02.020 Adoption of International Fire Code
- 7.02.030 Fire Official
- 7.02.040 Inspection of Buildings
- 7.02.050 Fire Investigations by Fire Officer
- 7.02.060 Entry During Fires
- 7.02.070 Penalties

### 7.02.010 AUTHORITY OF FIRE DEPARTMENT

The Fire Department's authority at fires and other emergencies involving the protection of life or property, interference with fire department operations, compliance with orders of the fire chief, and crossing fire hoses with vehicles, shall be governed by the code as adopted by chapters Four (4) through Ten (10), inclusive, as well as state and federal law.

### 7.02.020 ADOPTION OF INTERNATIONAL FIRE CODE

The International Fire Code as currently adopted by the State of Utah is hereby adopted by reference and made part of these revised ordinances. Any successive amendments, editions, and/or appendixes adopted by the State of Utah are hereby incorporated herein by reference and shall be effective upon the date they are effective as a Utah State Statute. Not less than three copies of said code shall be deposited in the office of the City and open for public inspection and uses. (Ord. 02-04)

### 7.02.030 FIRE OFFICIAL

From time to time, the International Fire Code refers to the local government's "Fire Official" or "Authority having Jurisdiction."

These shall be held to mean the Fire Chief or a designee of the Fire Chief.

#### **7.02.040**

### **INSPECTION OF BUILDINGS**

The Fire Chief, Fire Marshal of the City, and the City Building Inspector may enter any building or premises not used as a private dwelling at any reasonable hour for the purpose of inspecting and enforcing the rules, regulations and standards adopted by the City or contained within the Utah State Fire Prevention Law.

Whenever any building or other structure is discovered to be so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or property therein, the Fire Chief, Fire Marshall, or Building Inspector shall by written order direct the same to be removed or remedied.

#### **7.02.050**

### **FIRE INVESTIGATIONS BY FIRE OFFICER**

The Fire Chief or Fire Marshal of the City shall investigate the cause, origin, and circumstances of every fire occurring within this city by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of accident or design. The fire marshal shall keep in his or her office a record of all fires, together with all facts, statistics and circumstances, including the origin of the fires and the amount of the loss, which may be determined by the investigation required by this ordinance.

#### **7.02.060**

### **ENTRY DURING FIRES**

The Fire Chief or Fire Marshal may enter any building to begin an investigation by entering while the fire is in progress and the fire fighters are still at the premises. If the fire marshal enters while the fire is in progress and the fire fighters are present, the fire marshal may remain on the premises until the investigation is

completed. After the fire is out and the fire fighters have left the premises, the fire marshal may enter any open space that is not locked, boarded up or otherwise closed off. The fire marshal may enter at any time, even after the fire is out and the fire fighters have left the premises, with the permission of the owner, occupant, or other person entitled to possession, or of any agent of such owner, occupant or person entitled to possession. For any other entry to investigate possible arson the fire marshal shall apply for a search warrant.

#### **7.02.070**

#### **PENALTIES**

Any person who shall violate any of the provisions of Chapters two through eight of this code, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the fire marshal or by a court of competent jurisdiction, within the time fixed in this article, shall severally for each and every violation and noncompliance respectively be guilty of a Class B misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

## CHAPTER 3

# FIRE DEPARTMENT

|          |                                                                    |
|----------|--------------------------------------------------------------------|
| 7.03.010 | Fire Department Created                                            |
| 7.03.020 | Composition of Department                                          |
| 7.03.030 | Duties of Chief                                                    |
| 7.03.040 | Divisions                                                          |
| 7.03.050 | Membership                                                         |
| 7.03.060 | Equipment                                                          |
| 7.03.070 | Recommendations for Purchase                                       |
| 7.03.080 | Equipment to be Safely Kept                                        |
| 7.03.090 | Tampering With Emergency Vehicle                                   |
| 7.03.100 | Alarm System                                                       |
| 7.03.110 | Private Use of Equipment Prohibited                                |
| 7.03.120 | Unauthorized Entry of Place Where Fire Apparatus Stored Prohibited |
| 7.03.130 | Mutual Aid or Cooperative Agreements                               |
| 7.03.140 | Apparatus for City Use--Exceptions                                 |
| 7.03.150 | Issuance of Badge                                                  |
| 7.03.160 | Auto Insignia                                                      |
| 7.03.170 | Penalty for Violation                                              |
| 7.03.180 | Department Members to Enforce                                      |
| 7.03.190 | Police Officers to Assist                                          |
| 7.03.200 | Special Officers                                                   |
| 7.03.210 | Duties of Social Officers                                          |
| 7.03.220 | Rules and Regulations of Fire Department                           |
| 7.03.230 | Intent of Chapter                                                  |

### 7.03.010 FIRE DEPARTMENT CREATED

There is hereby created a department to be hereafter known as the Syracuse Fire Department, the object of which shall be the prevention of fire and the protection of life and property within the limits of the City of Syracuse. (1971)

### 7.03.020 COMPOSITION OF DEPARTMENT

The Department shall consist of a Fire Chief and such other members as the City may from time to time prescribe.

### 7.03.030

#### **DUTIES OF CHIEF**

1. The Chief shall formulate a set of rules and regulations to govern the Department, and shall be responsible to the City Council for the personnel, morale and general efficiency of the Department.
2. The Chief shall determine the number and kind of companies of which the Department is to be composed and shall determine the response of such companies to alarms.
3. The Chief shall at least once a month conduct suitable drills or instruction in the operation and handling of equipment, first aid and rescue work, salvage, a study of buildings in Syracuse, fire prevention, water supplies, and all other matters generally considered essential to good firemanship and safety of life and property from fire.
4. The Chief is hereby required to assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin, and circumstances of all fires.
5. The Chief shall see that complete records are kept of all fires, inspections, apparatus and minor equipment, personnel and other information about the work of the department.
6. The Chief shall report monthly, or at such other intervals as the City Council may direct, to the Council the condition of the apparatus and equipment; the number of fires during

the month, their location and cause, and the date of same and loss occasioned thereby; the number and purpose of all other runs made; and the number of members responding to each fire or other run, and any changes in membership.

7. The Chief shall make a complete annual report to the City Council, together with comparative data for previous years and recommendations for improving the effectiveness of the Department. (1971)
8. The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary.

#### **7.03.040 DIVISIONS**

In order to carry out its functions, the fire department is divided as follows:

1. Fire administration.
2. Fire prevention.
3. Emergency services.
4. Support services.
5. Training and information services.

#### **7.03.050 MEMBERSHIP**

The membership of the Department shall consist of such persons as may be appointed by the Chief.

**7.03.060                    EQUIPMENT**

The Department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire. (1971)

**7.03.070                    RECOMMENDATIONS FOR PURCHASE**

Recommendations of apparatus and equipment needed shall be made by the Chief, and after approval by the City Council shall be purchased in such manner as may be designated by the Council. (1971)

**7.03.080                    EQUIPMENT TO BE SAFELY KEPT**

Fire suppression equipment shall not be obstructed, removed, tampered with or otherwise disturbed, and shall be installed and maintained, all in accordance with The International Fire Code.

**7.03.090                    TAMPERING WITH EMERGENCY VEHICLE**

A person shall not, without proper authorization from the fire chief, cling to, attach himself to, climb upon or into, board, or swing upon any fire department emergency vehicle, whether the vehicle is in motion or at rest, or sound the siren, horn, bell or other sound-producing device thereon, or to manipulate or tamper with, or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps, or any equipment or protection clothing on, or a part of, any fire department emergency vehicle. It shall be unlawful for any person to damage or deface, or attempt, or conspire to damage, or deface, any fire department emergency vehicle at any time, or to injure, or attempt to injure, or conspire to injure fire department personnel while performing departmental duties.

**7.03.100 ALARM SYSTEM**

Suitable arrangements or equipment shall be provided for citizens to turn in an alarm, and for notifying all members of the Department so that they may promptly respond. (1971)

**7.03.110 PRIVATE USE OF EQUIPMENT PROHIBITED**

No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way by the Department. (1971)

**7.03.120 UNAUTHORIZED ENTRY OF PLACE WHERE FIRE APPARATUS STORED PROHIBITED**

No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the Department unless accompanied by, or having the special permission of, an officer or authorized member of the Department. (1971)

**7.03.130 MUTUAL AID OR COOPERATIVE AGREEMENTS**

The City Council may enter into agreements or contracts with nearby incorporated communities or governing bodies of other organizations to provide the members of such communities or organizations with fire protection or to establish a mutual aid system, and the City shall not be liable for damage to persons or property resulting from fire fighting equipment being outside the City limits pursuant to such agreements. (1971)

**7.03.140 APPARATUS FOR CITY USE --EXCEPTIONS**

No apparatus shall be hired out or permitted to leave the City, except in response to a call for aid at a fire in a neighboring

community without the consent of the City Council. The officer in charge of the Department shall have power to assign equipment for response to calls for outside aid in accordance with Section 7-5-15, and in other cases only when the absence of such equipment will not jeopardize protection in this City. (1971)

**7.03.150                   ISSUANCE OF BADGE**

Each member of the Department may be issued a badge designating his rank, when determined necessary and advisable by the Chief. (1971)

**7.03.160                   AUTO INSIGNIA**

Each member of the Department driving a car shall be issued a suitable insignia to be attached to the car. (1971)

**7.03.170                   PENALTY FOR VIOLATION**

Any person violating the provisions of this chapter shall be guilty of a Class B misdemeanor and upon conviction, pay a fine in any sum not to exceed \$1,000.00, or be imprisoned for not to exceed six months, or be punished by both said fine and imprisonment. (1986)

**7.03.180                   DEPARTMENT MEMBERS TO ENFORCE**

All regularly appointed members of the Department are hereby given the necessary special police powers for the purpose of enforcing the provisions of this Chapter. (1971)

**7.03.190                   POLICE OFFICERS TO ASSIST**

It is hereby made the special duty of the Chief of Police and/or other peace officers who may be on duty and available for fire

duty, to respond to all fire alarms and assist the Department in the protection of life and property, in regulating traffic, maintaining order, and in enforcing observance of all sections of this Chapter. (1971)

### **7.03.200 SPECIAL OFFICERS**

The Department may elect a President, Vice President, Secretary, and Treasurer, to be known as Firefighters Association Officers. Such officers may be elected in any manner and for any term the membership may decide upon, and their duties shall be to arrange for and manage any or all social functions sponsored by the Department. (1971)

### **7.03.210 DUTIES OF FIREFIGHTERS ASSOCIATION OFFICERS**

The functions and duties of said Firefighters Association Officers shall in no wise interfere with those of the regular Department officers who are charged with responsibility for all fire service activities of the Department. (1971)

### **7.03.220 RULES AND REGULATIONS OF FIRE DEPARTMENT**

The **Fire Chief** as head of the fire department shall make such rules and regulations for the government of the officers and members of the fire department as he may deem advisable, and may establish such penalties for the violation of any such rule or regulation as he may consider necessary and proper for the enforcement of discipline and the due subordination of the members of the department. He shall also make suitable regulations under which the officers and members shall be required to wear appropriate uniforms and badges as the exigencies of their duties may require, and by which, in case of fire, and at other times, the authority and relation of such officers

and members shall be known. Every member of the department shall be furnished with a copy of such rules and regulations as are in force.

**7.03.230**

**INTENT OF CHAPTER**

In adopting the foregoing Chapter, it is the declared intent and purpose of the City Council to comply with the provisions and recommendations of the Utah State Fire Prevention. (1971)

## CHAPTER 4

# GENERAL FIRE REGULATIONS

|          |                                                        |
|----------|--------------------------------------------------------|
| 7.04.010 | Right of Way                                           |
| 7.04.020 | May Blockade Street                                    |
| 7.04.030 | Removal of Obstructions                                |
| 7.04.040 | Use of Water                                           |
| 7.04.050 | False Alarms                                           |
| 7.04.060 | Willfully or Negligently Causing Fire                  |
| 7.04.070 | Unlawful Interference                                  |
| 7.04.080 | Driving Over Fire Hose                                 |
| 7.04.090 | Limits at Fire                                         |
| 7.04.100 | Duty of By-Standers                                    |
| 7.04.110 | Blocking Fire Hydrants and Fire Department Connections |
| 7.04.120 | Hydrant Use Approval                                   |
| 7.04.130 | Tampering With Fire Hydrants                           |
| 7.04.140 | Parking of Vehicle Near Fire Station                   |
| 7.04.150 | Accumulation of Refuse and Rubbish                     |
| 7.04.160 | Nuisance, Injunction                                   |

### 7.04.010            **RIGHT OF WAY**

It is hereby provided that any fire truck and movable fire fighting apparatus, and all personal cars of Fire Department members traveling within the City of Syracuse shall have the right of way over all other vehicles of every kind when responding to a fire alarm, and it shall be unlawful for the owner or operator of any vehicle to drive or operate the same in head of said fire truck or at a distance less than 600 feet or to follow the same at a distance closer than 600 feet, or to park within 300 feet of a fire. (1971)

### 7.04.020            **MAY BLOCKADE STREET**

Whenever a fire shall occur, it shall be lawful for the officer in charge to blockade any street, avenue, alley, sidewalk or other place within the geographic limits of Syracuse, if in his judgment it

is necessary to secure the efficient working of the men, hose, engines, or hook and ladder apparatus under his command, and to protect the hose from injury. It shall be unlawful for any person to break through said blockade. (1971)

**7.04.030                    REMOVAL OF OBSTRUCTIONS**

When a fire is in progress, the officer in charge may order the removal or destruction of any building, fence, or any telephone, telegraph or electric light poles or wires or any other obstruction in order to prevent the progress of the fire, but no officer or firefighter shall unnecessarily or recklessly destroy or injure any building or other property. (1971)

**7.04.040                    USE OF WATER**

The officer in charge at a fire shall have the right to use water from any source for the purpose of extinguishing the fire or for saving property in danger of being destroyed by fire. (1971)

**7.04.050                    FALSE ALARMS**

No person shall deliberately or maliciously turn in an alarm of fire when in fact that person knows that no fire exists. Such acts of deliberate or malicious false alarms shall be punishable as prescribed under laws of the state and/or the ordinances of the city. No person shall activate any installed fire warning system or any fixed fire extinguishing system for purposes other than emergency, maintenance, drill, or prescribed testing.

**7.04.060                    WILLFULLY OR NEGLIGENTLY CAUSING FIRE**

It shall be unlawful for any person willfully or negligently to ignite or cause to be ignited any trees, shrubs, cultivated crop, fence, building or other property on any land not his own, or to throw

any lighted cigar, cigarette, match or other burning material whatsoever on any land cover which will carry fire. (1971)

**7.04.070 UNLAWFUL INTERFERENCE**

It shall be unlawful for any person to hinder any officer in the discharge of his duty at a fire or emergency, or in any manner injure, deface or destroy any engine, hose or other apparatus or to interfere with any fire company or person, or to willfully break or injure any water pipe, or in any way interfere with the water or its course of supply. (1971)

**7.04.080 DRIVING OVER FIRE HOSE.**

A person may not operate or be in actual physical control of a vehicle that is driven or propelled over any fire hose of any fire department when laid down on any street, alley, way, private drive, or any other vehicular roadway without the consent of the fire chief or person in command of the operation.

**7.04.090 LIMITS AT FIRE**

The City Police Chief, in conjunction with the fire officer in charge, may prescribe the limits in the vicinity of the fire within which no person, except firefighters and members of the Police Department or those admitted by order of the officer in charge, shall be permitted to come. (1971)

**7.04.0100 DUTY OF BY-STANDERS.**

No person shall fail or willfully refuse to comply with any lawful order or direction of a member of the fire department nor interfere with the compliance attempt of another individual.

**7.04.0110**

**BLOCKING FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS**

It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any fire department connection for the pressurization of fire suppression systems, including fire hydrants and fire department connections that are located on public or private streets and access lanes, or on private property.

**7.04.0120**

**HYDRANT USE APPROVAL**

A person shall not use or operate any fire hydrant intended for use of any fire department for fire suppression purposes unless such person first secures a permit for such use from the fire chief and the Public Works Department. This section shall not apply to the use of such hydrants by a person employed by, and authorized to make such use by, the Public Works Department.

**7.04.0130**

**TAMPERING WITH FIRE HYDRANTS**

No person shall tamper with, turn on, adjust, damage or attempt to tamper with, open, turn on or adjust any fire hydrant owned by the city or connected to the city water system. Nothing in this section shall apply to any person authorized by the city water department or city fire department to do anything to a fire hydrant.

**7.04.0140**

**PARKING OF VEHICLE NEAR FIRE STATION**

No person shall park any vehicle or otherwise cause any obstruction to be placed within 30 feet of the entrance to any fire station or other place where fire apparatus is stored, or within 20 feet of the driveway approach from said station onto the public

street, or within 10 feet of any fire hydrant or cistern. (1971)

**7.04.0150**

**ACCUMULATION OF REFUSE AND RUBBISH**

It shall be unlawful for any person to accumulate or permit the accumulation of empty boxes, refuse, water, rubbish, weeds or other inflammable substances, or to constitute a fire hazard when not required in the ordinary process of farming on any premises owned, rented, or controlled by him within the City limits or to carry on any business in or about any premises in such a manner as to endanger such premises or building or other buildings or premises by fire or explosion. (1971)

**7.04.0160**

**NUISANCE, INJUNCTION**

Any fire hazard is hereby declared to be a nuisance. In addition to any other relief provided by this ordinance, the city attorney may apply to a court of competent jurisdiction for an injunction to prohibit the maintenance of any fire hazard. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

## CHAPTER 5

# OUTDOOR AND OPEN BURNING REGULATIONS

|          |                                                         |
|----------|---------------------------------------------------------|
| 7.05.010 | Purpose                                                 |
| 7.05.020 | Applicability                                           |
| 7.05.030 | Definitions                                             |
| 7.05.040 | General Prohibition on Outdoor Burning and Open Burning |
| 7.05.050 | Permissible Burning - Without Permit                    |
| 7.05.060 | Open Burning of Brush, Leaves, and Grass Clippings      |
| 7.05.070 | Agricultural Burning                                    |
| 7.05.080 | Burning Permits                                         |
| 7.05.090 | Extinguishing Outdoor Fires                             |
| 7.05.100 | Liability                                               |
| 7.05.110 | Penalty                                                 |

### 7.05.010 PURPOSE

This chapter is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of Syracuse by regulating the air pollution and fire hazards of open burning and outdoor burning.

### 7.05.020 APPLICABILITY

This chapter applies to all outdoor burning and open burning within Syracuse.

1. This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
2. This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal

habitation.

3. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

## 7.05.030

### **DEFINITIONS**

The following words and phrases used in this Chapter shall have the following meanings unless a different meaning clearly appears from the context.

**AGRICULTURAL BURNING:** Open burning, in rural areas, essential to agricultural operations, including the growing of crops, the raising of fowl, animals or bees, when conducted on the premises where produced.

**AIR CONTAMINANT:** Any particulate matter or any gas, vapor, suspended solid or any combination thereof, excluding steam and water vapors.

**AIR CONTAMINANT SOURCE:** Any and all sources of emission of air contaminants whether privately or publicly owned or operated.

**AIR POLLUTION:** The presence in the ambient air of one or more air contaminants in quantities, or characteristics and under conditions and circumstances, and of a duration sufficient to cause or contribute to injury to human, plant, or animal life or health or to property or which unreasonably interferes with the enjoyment of life or use of property, as determined by the standards, rules and regulations adopted by the Utah Air Quality Board.

**ATMOSPHERE:** The air that envelopes or surrounds the earth and includes all spaces outside of buildings, stacks or exterior ducts.

**APPROPRIATE AUTHORITY:** The governing body of any city, town or county.

**AUTHORIZED LOCAL AUTHORITY:** A city, county or combination health department; a city, county, or combination fire department; or other local agency duly designated by appropriate authority, with approval of State Division of Health, as the agency to issue permits for open burning under regulations of the State Division of Health and other lawfully adopted ordinances, codes or regulations not in conflict therewith.

**CAMPFIRE:** A small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste, wood or refuse.

**CLEAN WOOD:** natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

**CLEARING INDEX:** A number indicted rate of clearance of ground level pollutants from a given area. This number is calculated by the National Weather Service, from daily measurements of temperature lapse rates and wind speeds and directions from ground level to 10,000 feet.

**CONSTRUCTION AND DEMOLITION WASTE:** Building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or

industrial building, or other structure.

**DIVISION:** Utah State Division of Health.

**EMISSION:** The act of discharging, into the atmosphere, an air contaminant or an effluent which contains or may contain an air contaminant; or the effluent so discharged into the atmosphere.

**FIRE CHIEF:** The Chief of the Syracuse Fire Department or other person designated by the Fire Chief.

**GARBAGE:** All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food, including wastes attendant thereto.

**HEAVY FUEL OIL:** A petroleum product or similar material heavier than diesel fuel.

**HOUSEHOLD WASTE:** Any solid or liquid material normally generated by a family in a residence in the course of ordinary day to day living; including but not limited to garbage, paper products, rags, leaves and garden trash.

**MUNICIPALITY:** A county, township, city, or village.

**OPEN BURNING:** Any burning of combustible materials where the products of combustion are emitted into open air without passing through a chimney or stack.

**OUTDOOR BURNING:** Open burning or burning in a patio wood-burning unit.

**PATIO WOOD-BURNING UNIT:** A chimnea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

PERSON: Any individual, public or private corporation, partnership, association, firm, trust or estate; the state or any department, institution, bureau, or agency thereof, any municipal corporation, county, city and county, or other political subdivision of the state, or any other legal entity whatsoever which is recognized by the law as being subject to rights and duties.

REFUSE: means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter. .

SALVAGE OPERATION: Any business, trade or industry engaged in whole or part in salvaging or reclaiming any product or material, including, but not limited to metals, chemicals, shipping containers or drums.

TRASH: Solids not considered to be highly flammable or explosive: including, but not limited to clothing, rags, leather, plastic, rubber, floor coverings, excelsior, tree leaves, yard trimmings and other similar materials.

WASTE: All solid liquid or gaseous material, including but not limited to, garbage, trash, household waste, construction or demolition debris, or other refuse including that resulting from the prosecution of any business trade or industry. (1971)

#### **7.05.040**

### **GENERAL PROHIBITION ON OUTDOOR BURNING AND OPEN BURNING**

Open burning and outdoor burning are prohibited in Syracuse unless the burning is specifically permitted by this ordinance.

#### **7.05.050**

### **PERMISSIBLE BURNING - WITHOUT PERMIT**

When not prohibited by other laws or by other officials having

jurisdiction and provided that a nuisance is not created, the following types of open burning are permissible without the necessity of securing a permit:

1. In devices for the primary purpose of preparing food such as outdoor grills and fireplaces.
2. Camp fires and fires used solely for recreational purposes where such fires are under the control of a responsible person.
3. Indoor fireplaces.

#### **7.05.060**

#### **OPEN BURNING OF BRUSH, LEAVES, AND GRASS CLIPPINGS**

1. Open burning of brush, leaves, and grass clippings is allowed only at properties in an agricultural zone, or properties of five (5) acres or larger. Such burning shall be in accordance with all of the following provisions.
2. Except for campfires, a permit issued in accordance with Section 8 of this ordinance must be obtained prior to open burning under this section when the ground is not snow covered.
3. All allowed open burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard. Open burning shall be conducted in conformance with all local and state fire protection regulations.
4. Outdoor campfires and small bonfires for cooking, ceremonies, or recreation are allowed provided they do not

cause a nuisance.

5. Open burning shall be allowable by permit during dates designated by the Davis County Fire Warden. All state **air clearing index** action provisions must be abided by.
6. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
7. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.
8. Except for barbecue, gas, and charcoal grills, no burning shall be undertaken within **25** feet from any combustible material, combustible wall or partition.
9. No open burning may be conducted on days when the Department of Environmental Quality has declared an “air quality action day” applicable to Syracuse.

#### **7.05.070**

**AGRICULTURAL BURNING.** Open burning of weeds, brush, and crop stubble on agricultural zones is allowed if conducted in accordance with other applicable provisions of this ordinance and state law.

#### **7.05.080**

##### **BURNING PERMITS.**

1. Except where explicitly authorized by this chapter, no person shall start or maintain any outdoor burning or open burning without a burning permit issued by the Fire Chief

or authorized designee.

2. Any person responsible for burning leaves, brush, clean wood or other vegetative debris shall obtain a one-time burning permit before starting the fire.
3. When weather conditions or extenuating circumstances warrant, the Fire Chief may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open burning.
4. A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.
5. Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the burning permit shall void the permit.

#### **7.05.090**

### **EXTINGUISHING OUTDOOR FIRES**

The fire chief, police chief, or their authorized representatives, shall have the authority to require that any outdoor fire be immediately extinguished when, in their opinion, such fire creates a hazard or constitutes a violation of this section. If such a request for a fire to be extinguished is not fulfilled, the fire chief, police chief, or their authorized representatives, may take action to have such fire extinguished.

#### **7.05.0100**

### **LIABILITY**

A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

**7.05.0110****PENALTY**

Any person who shall violate any of the provisions of this Chapter shall be guilty of a Class C misdemeanor. In addition thereto, such person may be enjoined from continuing such violations, and each day upon which such a violation occurs shall constitute a separate violation. (1986)

## CHAPTER 6

# FIREWORKS

|          |                                                  |
|----------|--------------------------------------------------|
| 7.06.010 | Purpose                                          |
| 7.06.020 | Hazardous Environmental Conditions               |
| 7.06.030 | Authority of Local Fire Official to Issue Orders |
| 7.06.040 | Geographic Areas Affected                        |
| 7.06.050 | Public Notice                                    |
| 7.06.060 | Penalty                                          |
| 7.06.070 | Enforcement                                      |
| 7.06.080 | Repeal and Severability                          |

### 7.06.010 PURPOSE

This Chapter authorizes the fire chief to prohibit the use of fireworks when hazardous environmental conditions necessitate controlling the use thereof.

### 7.06.020 HAZARDOUS ENVIRONMENTAL CONDITIONS

For the purposes of this chapter, “hazardous environmental conditions” means extreme dryness or lack of moisture, windy conditions, the presence of dry weeds and other vegetation and any combination thereof.

### 7.06.030 AUTHORITY OF LOCAL FIRE OFFICIAL TO ISSUE ORDERS

The Fire Chief is hereby authorized to issue orders prohibiting use of any fireworks in any area of the municipality where the Fire Chief determines that hazardous environmental conditions necessitate controlling or prohibiting the use thereof.

**7.06.040 GEGRAPHIC AREAS AFFECTED**

The local fire official shall determine what areas are subject to prohibition and the extent of the prohibition and shall identify the same in a written order. The order may also include a map outlining affected areas.

**7.06.050 PUBLIC NOTICE**

The city shall immediately post copies of the written order of the Fire Chief in at least three public places within the city; post a copy of the order on the official city website; inform all local news media outlets of the order, and provide a copy of the order thereto.

**7.06.060 PENALTY**

Any person who intentionally or knowing violates an order of the fire chief issued pursuant to this chapter is guilty of a class B misdemeanor.

**7.06.070 ENFORCEMENT**

Every officer charged with enforcement of State and municipal laws within the jurisdiction of this municipality, including the Fire Chief is hereby charged with the responsibility to enforce this ordinance.

**7.06.080 REPEAL AND SEVERABILITY**

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

## CHAPTER 7

# COST RECOVERY FOR HAZARDOUS MATERIAL RELATED EMERGENCY

|          |                           |
|----------|---------------------------|
| 7.07.010 | Purpose                   |
| 7.07.020 | Definitions               |
| 7.07.030 | Recovery Authorization    |
| 7.07.040 | No Admission of Liability |
| 7.07.050 | Action to Recover         |

### 7.07.010 PURPOSE

This chapter shall provide procedures for recovering costs incurred by the Syracuse for City assistance in hazardous material incidents. (Ord. 03-06)

### 7.07.020 DEFINITIONS

**HAZARDOUS MATERIALS EMERGENCY:** a sudden and unexpected release, of any substance that, because of its quantity, concentration or physical, chemical or infectious characteristics, presents a direct and immediate threat to public safety or the environment, and requires immediate action to mitigate the threat.

**EXPENSES:** the actual labor costs of government and volunteer personnel, including workers compensation benefits, fringe benefits, administrative overhead, costs of equipment, cost of equipment operation, cost of materials, cost of disposal, and the cost of any contract labor and materials. (Ord. 03-06)

### **7.07.030**

## **RECOVERY AUTHORIZATION**

Syracuse shall be entitled to recover expenses it may incur in the cleanup of any hazardous material emergency from the person or entity that owned and/or had control over and/or caused the release of the hazardous material involved in the hazardous materials emergency. Recovery of expenses shall be pursuant to the following procedure:

1. The City shall determine responsibility for the emergency and notify the responsible party by mail of the City's determination of responsibility and the expenses to be recovered.
2. The notice shall specify that the party determined responsible may appeal the City's decision before a hearing officer designated by the mayor and establish a date by which the notice of appeal shall be filed. The appeal date shall be no less than fifteen days from the date of the notice.
3. In the event the party determined responsible appeals the determination, the hearing officer shall hold a public hearing to consider any issues raised by the appeal, at which hearing the appealing party and the City shall be entitled to present evidence in support of their respective positions.
4. The hearing officer shall, after the hearing, make a recommendation to the City Council, who shall issue a decision assessing responsibility and costs. (Ord. 03-06)

### **7.07.040**

## **NO ADMISSION OF LIABILITY**

The payment of expenses determined owing under this chapter does not constitute an admission of liability or negligence in any

legal action for damages. (Ord. 03-06)

**7.07.050**

**ACTION TO RECOVER**

In the event parties determined to be responsible for the repayment of hazardous material emergency costs fail to make payment to the City within thirty (30) days after a determination of any liability, the City may initiate legal action to recover from the parties determined responsible the costs determined to be owing, including the City's reasonable attorney's fees. (Ord. 03-06)

## CHAPTER 8

# COST RECOVERY FOR FIRE RELATED EMERGENCIES

|          |                                      |
|----------|--------------------------------------|
| 7.08.010 | Purpose                              |
| 7.08.020 | Definitions                          |
| 7.08.030 | Recovery Authorization and Procedure |
| 7.08.040 | No Admission of Liability            |
| 7.08.050 | Action to Recover Costs              |

### 7.08.010 PURPOSE

This ordinance chapter shall provide procedures for recovering costs incurred by Syracuse for City assistance in fire emergency. (Ord. 03-07)

### 7.08.020 DEFINITIONS

As used in this chapter:

1. FIRE EMERGENCY: means a fire proximately caused by a person or business whose conduct was at a minimum grossly negligent and resulted in a fire to which the City and/or assisting agencies responded.
2. EXPENSES: means the actual labor costs of government and volunteer personnel, including workers compensation benefits, fringe benefits, administrative overhead, costs of equipment, cost of equipment operation, cost of materials, cost of disposal, and the cost of any contract labor and materials.

3. **GROSSLY NEGLIGENT:** means a reckless disregard for the safety of property or others. (Ord. 03-07)

#### **7.08.030**

### **RECOVERY AUTHORIZATION AND PROCEDURE**

Syracuse is empowered to recover from any person, corporation, partnership or other individual or entity whose grossly negligent actions cause a fire emergency, expense incurred by Syracuse associated with a response to a fire emergency. Recovery of expenses shall be pursuant to the following procedures:

1. The City shall determine responsibility for the emergency and notify the responsible party by mail of the City's determination of responsibility and the costs to be recovered.
2. The notice shall specify that the party determined responsible may appeal the City's decision before a hearing officer designated by the mayor and establish a date by which the notice of appeal should be filed. The appeal date shall be no less than fifteen days from the date of the notice.
3. In the event the party determined responsible appeals the determination, the hearing officer shall hold a public hearing to consider any issues raised by the appeal, at which hearing the appealing party and the City shall be entitled to present evidence in support of their respective positions.
4. The hearing officer shall after the hearing make a recommendation to the City Council, who shall issue a decision assessing responsibility and costs. (Ord. 03-07)

#### **7.08.040**

### **NO ADMISSION OF LIABILITY**

The payment of expenses determined owing under this chapter does not constitute an admission of liability or negligence in any legal action for damages. (Ord. 03-07)

#### **7.08.050**

#### **ACTION TO RECOVER COSTS**

In the event a party determined to be responsible for the repayment of fire emergency expenses fails to make payment to the City within thirty (30) days after a determination of any appeal by the mayor to the City Manager, or thirty (30) days from the deadline for appeal In the event no appeal is filed, the City may initiate legal action to recover the costs determined to be owing, including the City's reasonable attorney's fees. (Ord. 03-07)



# SYRACUSE CITY

## Syracuse City Council Agenda

September 11, 2012 – 7:00 p.m.

City Council Chambers

Municipal Building, 1979 W. 1900 S.

1. Meeting called to order  
Invocation or thought\*\*  
Pledge of Allegiance  
Adopt agenda
2. Presentation of the Syracuse City and Wendy's "Award for Excellence" to Jaden Fackrell and Ava Elmore.
3. Recognition of Sgt Phillips who won the prestigious "Marine of the Year" award for the 4<sup>th</sup> Marine Division for the United States Marine Corps.
4. Approval of Minutes:
  - a. Work Session Meeting of March 27, 2012
  - b. Special Meeting of August 21, 2012
5. Public Comment: This is an opportunity to address the Council regarding your concerns or ideas. Please limit your comments to three minutes.
6. Proposed Ordinance No. 12-24 amending the Syracuse City General Plan adopted in 1976, as amended.
7. Proposed Resolution R12-22 setting forth the rules for conducting public meetings of the City Council and Planning Commission using electronic means.
8. Grant the petition of Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints and Ninigret to adjust the boundaries of an Agricultural Protection Area.
9. Councilmember Reports.
10. Mayor Report.
11. City Manager Report.
12. Adjourn

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In compliance with the Americans Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the City Offices at 801-825-1477 at least 48 hours in advance of the meeting.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Syracuse City limits on this 7th day of September, 2012 at Syracuse City Hall on the City Hall Notice Board and at <http://www.syracuseut.com/>. A copy was also provided to the Standard-Examiner on September 7, 2012.

CASSIE Z. BROWN, CMC
SYRACUSE CITY RECORDER

**Members of the public who desire to offer a thought or invocation at Syracuse City Council Meetings shall contact the City Administrator at least two (2) weeks in advance of the meeting. Request will be honored on a first come, first serve basis. In the event there are no requests to offer a comment or prayer, the Mayor may seek opening comment or prayer from those members of the public attending the meeting or from City Staff or City Council.



COUNCIL AGENDA

September 11, 2012

Agenda Item #2

Presentation of the Syracuse City and Wendy's "Award for Excellence" to Jaden Fackrell and Ava Elmore.

Factual Summation

- Please see the attached memo from the Community and Economic Development Department. Any questions regarding this item can be directed at Mike Eggett, Community and Development Director.



Mayor
Jamie Nagle

City Council
Brian Duncan
Craig Johnson
Karianne Lisonbee
Douglas Peterson
Larry D. Shingleton

City Manager
Robert D. Rice

MEMORANDUM

To: Mayor and City Council

From: Community & Economic Development Department

Date: September 11, 2012

Subject: Presentation of the Syracuse City & Wendy's Award for Excellence to Jaden Fackrell and Ava Elmore.

Background

The City wishes to recognize citizens who strive for excellence in athletics, academics, arts and/or community service. To that end, in an effort to recognize students and individuals residing in the City, the Community and Economic Development, in conjunction with Jeff Gibson, present the recipients for the "Syracuse City & Wendy's Award for Excellence."

"Syracuse City & Wendy's Award for Excellence"

This monthly award recognizes the outstanding performance of a male and female who excel in athletics, academics, arts and/or community service. The following are the individuals selected for the award and the reasoning for their selection:

Jaden Fackrell

"Jaden works hard to always improve upon his previous best. Jaden has a positive attitude and is not afraid to challenge himself."

Ava Elmore

"Ava is a great all around student who always gives her personal best. Ava is also a talented photographer."

Both students will:

- Receive a certificate and be recognized at a City Council meeting
- Have their picture put up in City Hall and the Community Center
- Have a write up in the City Newsletter, Facebook, Twitter, and website
- Be featured on the Wendy's product TV
- Receive \$10 gift certificate to Wendy's

Recommendation

The Community & Economic Development Department hereby recommends that the Mayor and City Council present the "Syracuse City & Wendy's Award for Excellence" to Jaden Fackrell and Ava Elmore.



COUNCIL AGENDA

September 11, 2012

Agenda Item “3”

Recognition of Sgt Phillips who won the prestigious “Marine of the Year” award for the 4th Marine Division for the United States Marine Corps.

Memorandum

SYRACUSE RESIDENT WINS PRESTIGIOUS “MARINE OF THE YEAR” AWARD FOR THE 4TH MARINE DIVISION FOR THE UNITED STATES MARINE CORPS

Arlington, VA – Syracuse resident Sergeant Brian A. Phillips was awarded the 4th Marine Division’s Marine of the Year at the 9th Annual Marine Corps Association & Foundation Ground Awards Dinner on Thursday, 28 June at the Crystal Gateway Marriott, in Arlington, Virginia.

The dinner served as the opportunity to recognize the four Marine Divisions' Marines of the Year, the recipients of the 2011 Leftwich Trophy, Hulbert Trophy, Zembiec Trophy, the Chambers Award, and the MARSOC NCO/Critical Skills Operator of the Year.

“MCA&F is proud to recognize these Marines for their exceptional achievement and duty to the Corps,” said MajGen Edward G. Usher III, USMC (Ret) and President/CEO of the MCA&F. “That’s why the MCA&F exists. We encourage continued education, first-rate leadership and career advancement. We honor the professional excellence of Marines who serve our county every day.”

Sgt Phillips is from Salt Lake City, Utah and is currently serving on the Inspector-Instructor staff with Fox Company, 2d Battalion, 23d Marines. He deployed to Iraq twice and performed duties such as MRAP driver, gunner, vehicle commander, navigator, patrol leader, and section leader in support of Operation Iraqi Freedom. Sgt Phillips chose military service because his father was in the Army and he wanted to follow in his footsteps. Sgt Phillips was accompanied by his wife, Stacia Phillips, and his father, Jack Phillips. His sister, Tiffany and brother-in-law, David were also present.

General Dynamics and the Marine Corps Association and Foundation sponsored this award.



COUNCIL AGENDA

September 11, 2012

Agenda Item #4

Approval of Minutes.

Factual Summation

- Please see the attached draft minutes of the following meetings:
 - Work Session Meeting of March 27, 2012.
 - Special Meeting of August 21, 2012.
- Any question regarding this agenda item may be directed at Cassie Brown, City Recorder.

Staff Recommendation

Approve the draft minutes of the March 27, 2012 Work Session Meeting and the August 21, 2012 Special Meeting.

Minutes of the Syracuse City Council Work Session Meeting, March 27, 2012.

Minutes of the Work Session meeting of the Syracuse City Council held on March 27, 2012, at 6:00 p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Brian Duncan
Craig Johnson
Karianne Lisonbee
Douglas Peterson
Larry D. Shingleton

Mayor Jamie Nagle
City Administrator Robert Rice
City Recorder Cassie Z. Brown

City Employees Present:
Finance Director Steve Marshall
City Attorney Will Carlson
Police Chief Brian Wallace
Community Development Director Mike Eggett
Planner Kent Andersen
Lieutenant Tracy Jensen

The purpose of the Work Session was for the Governing Body to hear a request to be on the agenda re: an introduction of the Community Covenant Program; hear a request to be on the agenda re: Storybook Park presentation by Cody Hawkes; consider the submittal of an application for grant funding for System Optimization Review through Water SMART; discuss business meeting agenda item 10 – Proposed Ordinance 12-03 amending various provisions of Title 10, the Land Use Ordinance, relating to animals; discuss the appointment to the North Davis Sewer District; receive a presentation from Siemens Corporation regarding a streetlight conversion project; review City Council Rules of Order and Procedure; discuss City Council calendar relative to scheduling a special Council Meeting/Open House; review draft rewrite of Title Four of the Syracuse City Code.

Request to be on the agenda: Storybook Park Presentation by Cody Hawkes.

Mr. Hawkes approached the Council and explained that he is a local pediatrician and he has come up with an idea for a park, which he is referring to as a Storybook Park, where there would be active displays open to the public free of charge. He stated he wants to work with the City to use or lease the land as a non-profit organization that would run, manage, and maintain the park within City limits. He stated he got the idea when he visited a park in other state, but that park was fairly outdated and the kids did not know many of the nursery rhymes and stories included at the park. He stated he wanted to do a more modern take on the park including modern stories that kids would be able to relate to and interact with.

1 He reviewed a PowerPoint presentation including photos of other similar parks. He then reviewed an image of Legacy Park
2 and stated half of the park area is not developed and he would like to propose that Legacy Park could be used for the
3 Storybook Park; it has many of the amenities that he needs for the park. He then stated he thinks the possibilities for the park
4 are endless and he wanted to get the general consensus and feeling from the Council.

5 Councilmember Peterson stated he visited a park like this in South Dakota and it was very crowded; he believed it
6 would be an attraction that would be good for the City. He asked Mr. Hawkes if he is familiar with the current efforts to
7 construct Chloe's Sunshine Playground. He explained that funds are being raised privately and the City has partnered with
8 the person looking to build the park in order to complete the project. Mr. Hawkes stated that he is somewhat familiar with it.
9 Councilmember Peterson asked Mr. Hawkes what his plans are for generating funds for his park. Mr. Hawkes stated that
10 there are many foundations that he could approach for grant funding and he would look for corporate sponsors. He added he
11 has contacts at several book publishing firms and he felt it would be a good fit for them to sponsor this type of project. He
12 stated he anticipated most of his funding would come from corporate and private donations. Councilmember Peterson asked
13 Mr. Hawkes if he has any idea how much the park will cost. Mr. Hawkes stated he estimates the project will cost about \$1
14 million.

15 Mayor Nagle asked Mr. Hawkes when he planned to start the project. Mr. Hawkes stated it would depend on how
16 long it takes him to raise the funds. He stated that he hopes to have sufficient amount of money to start the project within a
17 year.

18 City Manager Rice asked Mr. Hawkes if he has set up a 501(c)3 entity to use in the fundraising efforts. Mr. Hawkes
19 answered no. Mr. Rice stated that the City may be able to assist Mr. Hawkes in creating such an entity.

20 Councilmember Peterson stated that he thinks everyone has learned a lot from the Sunshine Playground project and
21 he asked the Council's and staff's thoughts about taking on another similar project. Mayor Nagle stated that she would
22 approach this project differently and she would want to execute a written agreement detailing what each party would do. Mr.
23 Rice agreed and stated that he would ask for a public/private venture agreement and in that agreement the City could commit
24 to provide the land while Mr. Hawkes would commit to the development and maintenance of the park. Mr. Hawkes stated
25 that is the same idea he had; he would ask the City to continue to perform the maintenance they are already performing at the
26 park and he would take on any additional needed maintenance.

1 Councilmember Johnson asked Mr. Hawkes if he is asking for the City to expand Legacy Park. Mr. Hawkes stated
2 that he would like to develop the existing land the City already owns. Councilmember Johnson asked if the storybook
3 structures that would be located at the park are permanent features. Mr. Hawkes stated they are semi-permanent features and;
4 some would be permanent and other things could be changed every five years.

5 Councilmember Duncan stated he always appreciates people being ambitious and he thinks it would be great for the
6 community.

7 Mayor Nagle suggested that Mr. Hawkes come forward with a complete proposal; she feels there is a will to
8 entertain the idea and everyone needs to have a clear understanding of the project going forward. Mr. Rice added that City
9 Attorney Carlson and Recreation Director Robinson could start working on a draft public/private venture agreement. Mr.
10 Hawkes asked if he would be able to obtain a letter of intent from the City that he could use to assist in his fundraising
11 efforts. Mr. Rice answered yes. Mr. Hawkes thanked the Council for their time.

12

13 Request to be on the agenda: Introduction to Community Covenant Program.

14 Lieutenant Earl Simmons introduced himself and explained that he works for the Family Program Department in the
15 Utah National Guard. He explained his mission tonight is to talk about the Community Covenant Program; provide them
16 with a brief description of the program; and determine if the City is interested in being part of the program. He stated if the
17 City is interested, they will establish a military liaison to begin working with him to develop the program for Syracuse City.
18 He stated he would also like to schedule a signing ceremony for the program for May 22, 2012. He then reviewed a
19 PowerPoint presentation that provided an overview of what the program is. He noted it was initiated by the Secretary of the
20 Army in 2008 when he realized there were not a lot of programs for former members of the military. He stated they
21 developed a program that would allow them to communicate with local community leaders to inform of them of the benefits
22 available to current and former members of the military. He explained the program was brought to Utah in 2010; it was
23 adopted by the Legislature and it is the Guard's goal to have each community sign a document creating their own community
24 covenant program. He stated there is no contract or anything binding in the document; it is simply a document that says the
25 community is willing to support the military in their community in any way possible. He then explained what would happen
26 at the signing ceremony and the purpose of the ceremony. He stated the ceremony could be held during a City Council
27 meeting and they would like to have it done two months from now. He then explained family assistance centers are the main

1 thing that the Guard is trying to promote through the program; the center is a “one-stop shop” experience for families of
2 military members and there are 13 located throughout the State. He stated that the center can help with a myriad of problems
3 that a military member or their family may have; they have several contacts as well as licensed professionals that can provide
4 counseling, etc. Councilmember Peterson inquired as to the local of the center closest to Syracuse. Lt. Simmons answered
5 Ogden.

6 Mayor Nagle asked how this program differs from the Key Spouses Program that is used at Hill Air Force Base
7 (HAFB). Lt. Simmons stated he is not familiar with that program, but stated it is likely a fairly similar program. He stated
8 the Army has programs just like the Community Covenant Program at their major installations; the Guard put a twist on the
9 program because there was nothing like the program available to its members because most members do not live next to a
10 major installation. He stated that there are likely many service members in the community that are members of the Air Force
11 and can access programs at HAFB, but there are many other members of different military branches living throughout the
12 State and it would be good for them to have access to benefit programs as well. Mayor Nagle stated she thinks the City can
13 figure out how to mesh this program with other things that the City is participating in. She stated she has been asked to be an
14 Honorary Commander at HAFB and by proxy the City has adopted the 388th Maintenance Squadron. She stated that has
15 gotten her involved in the Key Spouses Program, which offers assistance to families of deployed members and host
16 community events for them as well. She stated she does not want the City to over-commit and then not do justice to either
17 reprogram. She asked if there would be any way to “marry” the two.

18 Mr. Rice inquired as to the enduring aspect of the Community Covenant Program and he asked how the program is
19 funded. Lt. Simmons stated it is funded through the yellow ribbon funding program and there is some indication that some of
20 the staff of the program may not be in place next year due to budget cuts, but the local director wants to get the network built
21 in Utah so that the program can continue on even after the loss of some employees. He stated they want to identify a military
22 liaison in each community, which could be a City Councilmember or an employee; the job is not intensive, but the liaison is
23 given information by those running the program and they are listed as a point of contact for military members.

24 Councilmember Duncan stated that he wondered how the military liaison would respond to requests from the
25 community. Lt. Simmons stated the liaison may be the middle man that turns military members over to contacts at the family
26 assistance centers or other facilities. He stated there will be seven training sessions a year that liaisons will be invited to so

1 they can be informed on how to respond to request from members of the military. He added that all information will be sent
2 to the liaison for distribution throughout the community in whatever means possible, likely through the City newsletter.

3 Mayor Nagle asked Lt. Simmons if he has contacted the Falcons on HAFB; they are people that have been honorary
4 commanders that are still interested in supporting the military infrastructure in the area. She stated she wondered if that may
5 be a better approach because they are community leaders that have a lot of resources and they are familiar with the resources
6 on HAFB as well. She stated she is nervous that the City may over-commit and one of the programs will not receive the
7 attention it needs from the City.

8 Councilmember Johnson stated that Lt. Simmons indicated the program can be customized to meet the needs or
9 wants of the community. Lt. Simmons stated that is correct and he noted some cities are hesitant just like Mayor Nagle is
10 expressing. He stated the first step is to recognize that the community supports the military and get that information
11 publicized in the press. He stated that it may be possible to “piggy back” this program onto any other program the City is
12 already involved in he is willing to do that as well. He stated that nearly every city in Utah and Salt Lake Counties has
13 signed up and the Guard is now moving into Davis and Weber Counties to try to get them all involved as well. He asked for
14 more information about the Falcons, which Mayor Nagle provided.

15 Mayor Nagle suggested that she meet with Lt. Simmons one-on-one and try to determine a way to join the two
16 programs without diluting either program. Lt. Simmons stated he is in favor of that approach and he appreciated having time
17 to address the Council this evening.

18
19 Consideration of submitting an application for grant funding for System
20 Optimization Review (SOR) through Water SMART.

21 A staff memo from Public Works Director Whiteley explained that in a proactive effort to optimize the distribution
22 and energy costs of our secondary water system, we are anticipating an opportunity that may arise for grant funding that
23 would assist with a review of the current operating system and provide recommendations to improve efficiencies in the long
24 term. The final product would be a report identifying specific improvements that will lead to improved water management in
25 our water system and a plan of action for implementing the recommendations described in the report. This grant is funded
26 through the water SMART (Sustain and Manage America’s Resources for Tomorrow) program established by the U.S.
27 Bureau of Reclamation. It is a 50% match with a cap of \$300,000. The opportunity to submit an application for this grant

1 typically occurs this time of year. Once an application is prepared, it must be reviewed by the city council and be supported
2 with a resolution. We have provided some information concerning the grant in order to introduce the city council to the
3 potential opportunity. We are asking the council for direction whether this is a grant that the council would like to pursue
4 once the opportunity becomes available. With the uncontrolled rising costs of energy used to power our pumps, as well as
5 water delivery costs, on top of operation and maintenance costs, it is our suggestion that we look for ways to improve
6 efficiencies in order to continue to maintain a low cost service to our citizens now and in the future.

7 Mr. Whiteley and Mr. Rice summarized the staff memo. Mr. Rice explained staff intended to apply for the grant to
8 fund the program to meter secondary water. He stated there are two different grants available to the City and this year the
9 City will seek the smaller of the two grants because the reporting requirements of the smaller grants is much less intensive.

10 Councilmember Johnson asked if the grant is relative to culinary or secondary water. Mr. Whiteley explained it is
11 for secondary water and it is very similar to the program recently completed by Weber Basin Water; they were successful in
12 securing the same grant and they added radio read meters to 10 percent of their customer's meters.

13 Councilmember Peterson stated the amount listed in the staff report is \$300,000 and he asked if that is the amount
14 the City would receive and then be required to match with \$150,000. Mr. Whiteley answered \$300,000 is the cap that would
15 be awarded. He stated that he would not apply for that amount. Mr. Rice stated staff plans to only apply for about \$150,000.

16 Grant Writer Cindy Gooch stated that in the past the City has used in-kind services in lieu of matching funds. She
17 stated that can be done in the case of this grant as well. She stated that will be based on how much time the Public Works
18 Department will spend on the project. She stated that major data analysis will be necessary and they prefer that the City to
19 hire a consultant to work on the project. She stated that if the City decides not to hire a consultant the City will likely not
20 receive any funding; the reason for that is that the data and information that many of the awardees have submitted in the past
21 has not been sufficient for the bureau of reclamation in their final plans. Mr. Rice noted the consultant fee could be included
22 in the grant and the overall cost of the project. Ms. Gooch agreed. She added the project will include the costs of the test
23 meters, the hiring of the consultant, and creation of the project plan. She stated that JUB Engineers, who she is employed
24 with, has worked for Syracuse City for a number of years and they have done a number of these types of grants. She stated
25 that last year the bureau accepted eight applications and three of those were generated by JUB Engineers. She stated the
26 applications written by JUB are well written and they feel they have a good grasp on what is needed to secure this type of
27 grant.

1 Councilmember Johnson asked if some of the money to match the grant can be taken from the secondary water fund.
2 Mr. Rice stated that is where all the matching money will come from. Councilmember Peterson asked Mr. Rice if he was
3 referring to secondary water impact fees or user fees. Mr. Rice answered user fees.

4 Councilmember Duncan stated his understanding is that application for the smaller grant will catapult the City
5 towards applying for a larger grant next year and he asked what the City would get with the larger grant. Ms. Gooch stated
6 that the amount available through the larger grant is \$1.5 million and the City would need to match that amount. She stated
7 one new aspect of the larger grant is that it can be funded over a three year time frame. She stated that the project can be
8 completed over three years with \$500,000 each year and it is easier to budget for and manage. Mr. Rice stated that it will
9 cost the City between \$800,000 and \$1 million to install radio read meters on the entire culinary and secondary water system.
10 He stated that the cost for secondary water will be around \$500,000. Ms. Gooch agreed, but stated that in the SOR grant
11 there is a public involvement and education portion and funding will be spent on educating the public on water conservation
12 and how much water the City does use in order to understand the necessity for meters.

13 Councilmember Duncan stated that someone told him the other day that if the City does not use the secondary water
14 it just travels to the Great Salt Lake and is not wasted. He stated water saved by the City that ultimately flows to the Lake is
15 saved for nothing. Ms. Gooch stated that is a common misconception; there are people living east of the City that are
16 conserving water that is then passed through the system to Syracuse City. She stated the Lake needs water; that is a reality
17 because there is an ecosystem that depends on the minerals in the Lake. She stated that is not a waste in her mind. She stated
18 that the population of the City will grow from 20,000 to 40,000 in a number of years and all water will be needed. She stated
19 that some water may be conserved now and some of it will go to the Lake, but in the future that saved water will go to the
20 new residents of the community. Mr. Rice stated that the goal is to conserve water and use the same amount of water every
21 year even with population growth.

22 Councilmember Duncan asked if the City will recoup the funding put towards the project. He stated he knows this
23 is about water conservation, but he inquired as to the fiscal implications of the project. Mr. Rice stated there will be an in
24 depth discussion about water infrastructure, cost, and other fiscal implication of this type of project at the retreat scheduled
25 for this weekend. Ms. Gooch clarified that the costs are not only related to water, but to the energy costs to run the pumps
26 that distribute the secondary water throughout the City, which is thousands and thousands of dollars each year.

1 Mayor Nagle stated tonight the staff is simply asking for the authority to begin the grant application process. Mr.
2 Whiteley stated that is correct. Mr. Rice stated that the bureau will want to know that the Council approved the application
3 for the grant.

4
5 Discuss business agenda item 10 – Proposed Ordinance 12-03 amending
6 various provisions of Title 10, the Land Use Ordinance, relating to animals.

7 A staff memo from the Community Development Department explained that on September 27, 2011, staff presented
8 a recommendation to the City Council for approval from the Planning Commission for an amendment to the Animal
9 Ordinance to include pigeons in the point table as well as a small language change. At the September 27 meeting, City
10 Council discussion moved beyond the changes presented and requested that staff and Planning Commission include
11 additional changes such as a point allocation for quarter-acre lots, an example of the use of the point system, etc. During the
12 period in which staff and Planning Commission was formulating additional recommendations to the Animal Ordinance,
13 Davis County informed staff that the County was considering making changes to the County Animal Ordinance. Davis
14 County requested City staff to hold onto any changes to the Syracuse Animal Ordinance until Davis County was able to make
15 their changes. Davis County also requested that Syracuse amend the Animal Ordinance to mirror the County Ordinance to
16 ease the burden on County animal enforcement officers of knowing every city animal ordinance. Syracuse City is under no
17 obligation to make this change and Davis County has reflected that they will continue to enforce our ordinance as written. On
18 January 3, 2012, Davis County Commissioners approved the attached amendment to the County Animal Control Ordinance,
19 which went into effect on January 24, 2012. Primary changes includes: addition of cat registering and licensing requirements,
20 allowance of maximum of three cats and dogs in any combination, if a third dog is owned the dog must be acquired from a
21 legitimate animal shelter, etc. If the Syracuse City Ordinance does not address a specific issue, then the County Ordinance
22 then the State Ordinance is applicable. On February 7, 2012, the Syracuse City Planning Commission held a public hearing
23 regarding the proposed amendments to the Animal ordinance, in which comments were received. At that time, the Syracuse
24 City Planning Commission chose to table the approval of the animal ordinance so that additional changes could be included.
25 On February 22, 2012, the Syracuse City Planning Commission approved recommendation to the Syracuse City Council the
26 attached amendments to Title Ten, Chapter 6, General Land Use Regulations within the Syracuse City Code. This
27 amendment includes the following: addition of a point allocation to lots that are a quarter of an acre or larger, examples of

1 use of the point system and square footage conversion, reclassification of large animals, addition of a small fowl group in the
2 points table, maintain that no more than two of the same species for household pets shall be kept, a limit on the maximum
3 number of dogs a kennel permit allows, an additional exception to the point system, language regarding the harvesting of
4 farm animals, the exemption of service animals from number of animals allowed through the use of a minor conditional use
5 permit, a few definition changes, and other minor changes (see attached changes). Two dissenting opinions from Syracuse
6 City Planning Commissioners have also been provided and are subsequently attached. At the February 28, 2012 City Council
7 Work Session, additional comments were received. At the March 13, 2012 City Council Work and Regular Session,
8 additional comments were received. Therefore, these additional changes are highlighted in yellow in the attached proposed
9 changes. The Community and Economic Development Department recommends, following recommendation from the
10 Syracuse City Planning Commission, that the Mayor and City Council amend Title Ten, Chapter Six General Land Use
11 Regulations - Animals within the Syracuse City Code to reflect proposed Ordinance No. 12-03.

12 Mayor Nagle asked if there were any questions from the Council regarding the changes staff has made to the
13 proposed Ordinance following recommendations made by the Council at recent meetings.

14 Planner Kent Andersen explained he performed a significant rewrite of the section that refers to lots sizes and zones.
15 He stated that he added lot requirements and a point system to determine the number of animals allowed. Councilmember
16 Johnson asked if the lot size is half-acre and if that applies to all zones. Mr. Andersen stated that it only applies to A-1 and
17 R-1 zones. He stated those are the only zones in Syracuse where farm animal keeping is permitted.

18 Councilmember Peterson stated the only change he would recommend is that someone is required to live on a parcel
19 of property one acre in size or larger in order to be allowed to keep roosters. Councilmember Duncan stated that a citizen
20 approached him about keeping roosters and said that roosters are no noisier than dogs and everyone is allowed to keep dots.
21 He stated he would rather hear a rooster crowing in the morning than a dog barking in the middle of the night. He stated that
22 his understanding is that there is a way to keep roosters from crowing too early in the morning. Mr. Andersen stated that his
23 understanding is that most people that keep hens and roosters do not typically close them in; rather they are allowed to roost
24 on their own and they come out of their pen in the morning when they are ready to start crowing. Councilmember Duncan
25 suggested letting the issue go at this time and waiting to see if any complaints about roosters kept on smaller lots are lodged
26 with the City. Councilmember Shingleton asked if the City's noise ordinance would apply to roosters. Councilmember
27 Peterson asked how the Police should be expected to respond to those types of issues; he asked how they respond to

1 complaints about barking dogs. Police Chief Wallace explained that an officer will knock on the door of a resident at any
2 time of night and tell them there has been a complaint about their dog and that they must be brought inside. He stated he was
3 not sure that would work with roosters. He stated he would hope that neighbors could work those issues between themselves.
4 Councilmember Peterson stated that he felt that requiring someone to live on an acre before they are allowed to keep roosters
5 would prevent any complaints in the first place. He feels this issue could “open a can of worms”.

6 Mayor Nagle stated she remembers the discussions that took place last time the Council considered the regulations
7 regarding roosters and there were a lot of comments made by people that were not in favor of allowing their neighbors to
8 keep roosters. Councilmember Lisonbee stated the conversation during that meeting centered on comments made by former
9 Councilmember Lurlen Knight who said that he would be out of compliance with the new ordinance because he had chickens
10 and roosters kept on his lot, which was a larger lot in a residential zone. She stated that the City Administrator at the time,
11 Rodger Worthen, made the comment that the City would not come after Mr. Knight. She stated that is bad law and this issue
12 needs to be addressed; there are many residents in the City that have roosters and they should be able to keep roosters.

13 Mayor Nagle stated that Mr. Knight lives on more than one acre of ground. Councilmember Lisonbee stated that is correct,
14 but his property is located in an R-1 zone and roosters are currently not allowed in that zone. Mr. Andersen suggested that
15 small steps are better than big steps; if the Council takes big steps now there may be too many complaints, but small steps
16 allow for more small steps in the future. He stated he is concerned that the Planning Staff will be bombarded with phone
17 calls if radical changes are made at this time. Councilmember Lisonbee stated that is why she recommended allowing farm
18 animals on half-acre lots. She stated that she would support a test run, but she is happy with the language about half-acre
19 lots.

20 City Attorney Carlson explained that regarding disorderly conduct, Utah State Code states that if someone makes
21 unreasonable noise in a private place that can be heard in a public place that is an infraction and if they continue to do it after
22 they have been asked to stop they are guilty of a class C misdemeanor. He stated that the City’s Justice Court Judge has
23 interpreted that to include people that host parties, even if the host is not making the noise. He stated he felt the same
24 judgment would be made for roosters as well. Councilmember Duncan asked if the same would be true for dogs. Chief
25 Wallace stated the Police Department has written citations for barking dogs. Mr. Carlson stated there is County Code
26 specific to dog barking and those violations are considered an infraction.

1 Mayor Nagle stated this item is also on the business meeting agenda and, for the sake of time, she suggested that the
2 discussion continue during that meeting.

3
4 Discuss appointment to North Davis Sewer District Board.

5 A staff memo from the City Attorney explained that in 2010 Councilmember Kimmel was appointed to serve a four
6 year term on the North Davis Sewer District (“NDS”). In May 2011, after allegations of misconduct, Resolution 11-15 was
7 unanimously passed by the Syracuse City Council, removing Councilmember Kimmel and appointing Councilmember
8 Peterson “to serve for a term concurrent with Councilmember Peterson’s term of office as a member of the Governing Body
9 of the City.” Councilmember Kimmel was among those voting in support of Resolution 11-15. On Tuesday, January 10,
10 Councilmember Lisonbee made a motion to amend Resolution 12-02 to include language appointing Councilmember
11 Shingleton to NDS. Councilmember Lisonbee’s amended motion passed by a majority vote of the council with
12 Councilmember Peterson voting no. Resolution 12-02 did not include language removing Councilmember Peterson from the
13 NDS. At this point, nothing has been presented supporting a “for cause” removal of Councilmember Peterson.

14 “Whenever a vacancy occurs on any local district board for any reason, a replacement to serve out the unexpired
15 term shall be appointed...[by the City Council] if the person vacating the position was appointed.” [Utah Code §20A-1-](#)
16 [512\(1\)\(a\)](#). “Before acting to fill the vacancy, the [City Council] shall... give public notice of the vacancy at least two weeks
17 before the [City Council] meets to fill the vacancy.” [Id at \(1\)\(b\)](#).

18 For at least the last three appointments, Syracuse City has not given public notice of a vacancy on the NDS prior to
19 appointing someone to fill the vacancies.

20 The City Attorney recommends that Resolution 12-02 be reconsidered. The two problems with Councilmember
21 Shingleton’s appointment in Resolution 12-02 are 1- two weeks of public notice was not given prior to his appointment, and
22 2- Councilmember Peterson was not removed prior to Councilmember Shingleton’s appointment.

23 Addressing the lack of two weeks public notice before Councilmember Peterson’s appointment is complicated by
24 the fact that since the appointment in May 2011, he has been serving on the NDS. The time to reconsider Resolution 11-15
25 has passed. If Councilmember Peterson resigns the NDS, two weeks public notice should be given before filling the
26 vacancy. If Councilmember declines to resign the position, the City Council has three options:

- 27 1. Vote to Remove Councilmember Peterson from the NDS.

1 2. Instruct staff to provide public notice for two weeks of an intention to verify the appointment of Councilmember
2 Peterson on the NDSO subject to objections from the public.

3 3. Take no further action on Councilmember Peterson’s appointment to the NDSO until the end of his term or his
4 resignation.

5 The City Attorney recommends either of the latter two options as more legally sound. There is a requirement that a
6 vote to remove a sitting member be by 2/3 and only occur “for cause.” Utah Code §17B-1-304(4). At the same time, City
7 Councils are exempt from that section if the Council appoints one of its own members. *Id* at (6). The problem with voting to
8 remove Councilmember Peterson for any reason other than for cause is that it would initially violate section 304 and only
9 later become a permissible action if the Council ultimately appointed another member of the Council after a two week notice
10 of the vacancy. Accordingly, the City Attorney recommends either taking no action at this time or instructing staff to provide
11 public notice of an intention to verify the appointment of Councilmember Peterson.

12 Mr. Carlson summarized his staff memo.

13 Councilmember Duncan asked what would happen if the Council acknowledged the appointment process has been
14 done wrong ask Councilmember Shingleton to resign because there is a question about whether he is the current appointee to
15 the Sewer District Board. Mr. Carlson noted resolutions appointing both Councilmembers Peterson and Shingleton have
16 been adopted by the Council. Mayor Nagle stated that Councilmember Shingleton is not the appointee because he has not
17 been sworn in to the position and the Sewer District is not recognizing him as a member. Councilmember Duncan stated
18 tonight the Council could ask Councilmembers Peterson and Shingleton to resign or adopt a resolution removing both of
19 them from the position, advertise the vacancy for two weeks, hold a public hearing, and ultimately make a decision to appoint
20 someone to the position. He stated that would clear up both problems and allow the City to start from the beginning of the
21 process. Mayor Nagle stated that the Council can not remove Councilmember Peterson from the position. Mr. Carlson stated
22 the Council could remove Councilmember Peterson for cause and the for cause requirement does not need to be followed if
23 another Councilmember is appointed to replace him. He stated the idea behind providing public notice is to give the Council
24 an opportunity to appoint a member of the public to the position. Councilmember Duncan stated the public notice could be
25 that the Council intends to appoint another Councilmember in two weeks, but that the public will be given the opportunity to
26 provide their opinion about who should be appointed. He stated the basic idea is that the voice of the people should be heard,
27 but the Council is in a situation where they must follow certain legal requirements.

1 Councilmember Lisonbee stated the issue the Council is not addressing is the fact that the last three appointments
2 were not made to fill mid-term vacancies; two of them were, though one is questionable, but Lurlen Knight's appointment
3 was not made to fill a mid-term vacancy. Mr. Carlson stated that he is only referring to Councilmembers Kimmel,
4 Shingleton, and Peterson. Councilmember Lisonbee stated her concern is that because Councilmember Peterson was
5 appointed by a resolution on the same night that Councilmember Kimmel was removed, which is questionable, at that point
6 there was no noticing given so there is a question about whether his appointment was done in a lawful way and is it a viable
7 appointment according to the City Council and according to State Law. She stated that she does not feel that it is a viable
8 appointment because State Law requires the vacancy period. She stated her point, which has not been addressed, is that she
9 does not think Councilmember Peterson is a duly appointed member of the Board, even if he has been sworn in. Mr. Carlson
10 stated that he understands what Councilmember Lisonbee is saying and he is not disputing that the City has never given the
11 14-day notice for mid-term vacancies and that is contrary to the current Law, but appointments made contrary to the Code do
12 not mean that the whole appointment is invalid. He stated that is the leap that Councilmember Lisonbee is making that is not
13 supported. He stated the Council can choose to address the issue. He stated that when things are done out of order, they are
14 not automatically void.

15 Mayor Nagle stated there is a lot of confusion around this issue; there is a duly appointed person serving on the
16 Board and the Sewer District wants that person to continue to serve in that capacity. She stated the City has received a legal
17 opinion that acknowledges that there were some mistakes made, but the Council has spent so many hours talking about this
18 and they are showing the residents they cannot get anything done. She stated several items have been tabled regarding this
19 item, but the Council needs to look at the bigger picture. She again acknowledged that there were mistakes, but the Council
20 was acting on the best legal advice available to them at the time. She stated Mr. Carlson, as well as Utah League of Cities
21 and Towns (ULCT) attorneys Gary Crane and Dave Church, have given legal opinions on the matter as well. She stated that
22 in the end the Council needs to consider whether someone was harmed; no one has been harmed and there is an elected
23 official in the position and when his term is up he can be removed and someone else can be appointed. She stated in the
24 meantime she feels the Council needs to move forward. Councilmember Peterson added the attorney for the Sewer District
25 has agreed with the opinions provided by Mr. Carlson, Mr. Crane, and Mr. Church. Councilmember Lisonbee stated that
26 attorney for the Association of Special Districts gave an opinion contrary to the opinion given counsel for the District. Mr.
27 Carlson stated that the attorney for the Association of Special Districts referred to the Open and Public Meetings Act

1 (OPMA) for a time frame to challenge the appointment, which would be 30 to 90 days, which has also expired since the
2 appointment was made in May of 2011.

3 Councilmember Shingleton stated that when Councilmember Peterson was appointed the Council determined that he
4 would be appointed until a time when Councilmember Kimmel's issues could be resolved and the City Attorney at the time
5 said that he did not like using that language in the appointment and that, instead, the issue could be revisited at the beginning
6 of 2012. Councilmember Lisonbee stated that is true and the entire Council agreed with that direction.

7 Councilmember Duncan stated the whole issue is the statute of limitations. Mayor Nagle stated that the whole issue
8 is about money. Councilmember Duncan stated that he does not want to be on the sewer board, but he wants to follow the
9 law and it was not followed in the past. He stated there is a way to start over and revisit the appointment. He stated that if
10 two Councilmembers seek the appointment the entire Council can hear from both of them and make a decision regarding who
11 should be appointed. He stated he wants to go back and fix the mistake that was made.

12 Councilmember Peterson stated he has remained quiet throughout this discussion, but he wants to say something.
13 He stated that if the Council wants to have the attitude that they want to fix mistakes that have been made in the past, there
14 are a million things that the Council needs to go back and fix. He stated this is an attack on him. He stated if the Council
15 does not want him to serve as the Boardmember, they need to tell him why and they need to tell him why they want to
16 remove him for cause. He stated otherwise the Council needs to verify the appointment because that is what the Sewer
17 District has said they want and their counsel has said he is the duly and legally appointment member. He stated that he wants
18 to know why the Council wants to remove him; do not "play the game" of wanting to fix a mistake. He reiterated there are
19 several other things that need to be fixed in the City. Councilmember Duncan stated that is what he is trying to do and this is
20 not the last thing that is going to be fixed in the City before he is done. Councilmember Peterson stated that the Council can
21 move on and fix things as they go rather than review the minutes of the meetings over the last 10 years to determine what
22 things they need to fix. Councilmember Duncan asked why the Council should not be doing that. Councilmember Peterson
23 stated it is not the Council's job. Councilmember Duncan argued it is the Council's job.

24 Mayor Nagle stated that the issue is deeper and she asked why Councilmember Peterson was not consulted about a
25 meeting that the four other Councilmembers have discussed scheduling for April 12. She stated there is clearly a division
26 happening and the Council is spending so much time and proving that government is incapable of moving forward after some

1 pretty good things have been done by past Councils. She stated that things in the City are suddenly coming to a standstill.
2 She stated that she would prefer the Council at least address the issue at hand.

3

4

5 The meeting adjourned at 6:55 p.m.

6

7

8

9 _____
10 Jamie Nagle
11 Mayor

Cassie Z. Brown, CMC
City Recorder

11
12 Date approved: _____

Minutes of the Syracuse City Council Special Meeting, August 21, 2012.

Minutes of the Special meeting of the Syracuse City Council held on August 21, 2012, at 8:21:p.m., in the Council Work Session Room, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Brian Duncan
Craig A. Johnson
Karianne Lisonbee
Douglas Peterson
Larry D. Shingleton

Mayor Jamie Nagle
City Manager Robert Rice
City Recorder Cassie Z. Brown

City Employees Present:
City Attorney Will Carlson
Finance Director Steve Marshall
Community Development Director Michael Eggett
Parks and Recreation Director Kresta Robinson
Public Works Director Robert Whiteley
Fire Chief Eric Froerer
Police Chief Brian Wallace

Visitors Present:	Susie Becker	Ben Gerlach	Natalie Levi
	Alan Whitman	Ray Zaugg	Pat Zaugg
	Dean Rasband	Holly Rasband	Zach Anderson
	Brad Baird	Jeff Edwards	Brandyn Bodily
	Ann Anderton	Terry Palmer	

1. Meeting Called to Order/Adopt Agenda

8:21:43 PM

Mayor Nagle called the meeting to order at 8:21 p.m. as a special meeting, with notice of time, place, and agenda provided 24 hours in advance to the newspaper and each Councilmember.

2. Public Comments

8:22:50 PM

Joe Levi stated he wants to talk about a different topic than what the Council has been focused on tonight; it is something that has been frustrating and concerning him. He stated all of his comments can be substantiated after the meeting is over. He stated he is not frustrated with the City Council; his frustration sits somewhere else. He stated he wanted to take a minute and remind the entire Council, which is made up of six members, that the “pecking order” is that City employees

1 report to the City Manager; the City Manager reports to the Mayor; the City Council “sits on top of that” and the Mayor is a
2 part of the Council. He stated the bosses of all of those people are all of the citizens. He stated “we the people” are the
3 bosses, so when “we” talk about how “we” talk to “our” subordinates and superiors, remember that the people who are sitting
4 in the audience and talking to the Council on the record in public meetings or off the record, they are the employers and they
5 expect the Council to behave in a manner that represents them. He stated that has not been happening and that stops today.
6 He stated he has been lied to in public meetings by the Mayor; the City Manager has called residents simple and say that they
7 do not understand. He stated that is on the record. He stated the residents are the boss. He addressed City Manager Rice and
8 stated that Mr. Rice is former military and he knows that if there is a general on base he is in charge and those working on
9 base drop everything and respect him or they will spend time doing things they do not want to do. He stated that when a
10 member of the City Council berates or disparages a member of the public from the pulpit at a time when the citizen cannot
11 respond, that is not appropriate or right and it will not happen anymore. He stated when a member of the City Council, which
12 includes the Mayor, says that someone else makes thinly veiled threats in a prayer and then recants that statement and says
13 that they lied on public record and tells the newspaper that they weren’t threats, but they were jabs – that is not appropriate.
14 He stated that behavior will stop. He stated the Mayor has said that the City Council is not high functioning and he agrees;
15 he thinks what the citizens have witnessed tonight has been high functioning and the problem and break down that the City
16 has sits with the Mayor. He stated he does not like that and he hopes his comments are taken constructively because he is not
17 trying to be vindictive and mean; rather, he is saying there is enough information in the newspaper and the City does not need
18 to be throwing them feed. He reiterated the citizens are the boss and the Council needs to act that way.

19
20 [8:25:17 PM](#)

21 Ben Gerlach stated he has three points to make; the first is his concerns about the notices for tonight’s meetings. He
22 stated the agenda may have been posted in the usual places, but he visited the City’s website today and it does not say that
23 there is a City Council meeting tonight. He added that the City calendar does not include notification of the meetings. He
24 stated many people check the internet to see when meetings are being held. He added that none of the agendas indicated that
25 the Council would be talking about the Ninigret project and that information should have been included as part of the agenda
26 language. He added that he has driven around the City and he has noticed that Ninigret has put up two signs; there is one on
27 the corner of 1000 West and 200 South that advertises industrial properties for sale. He stated there is another identical sign

1 on 2000 West at the end of 200 South. He stated his third point is that Ordinance 12-21 that the Council will be voting on
2 tonight – he would suggest that before that Ordinance is voted upon that the legal description be changed so that it includes
3 only the 79.44 acres that will be included in the tax increment collection area.

4
5 [8:27:22 PM](#)

6 Pat Zaugg stated she wanted to comment about an article in the Standard-Examiner on Friday, August 17. She
7 stated her comments are addressed to Mayor Nagle. She read a quote from the article as follows: “Nagle insists that three
8 people who spoke against this project, Terry Palmer and Pat and Ray Zaugg, have spoken against every project proposed for
9 this region”. Ms. Zaugg stated there has only been one project proposed for the region, so she guesses that the three residents
10 mentioned are speaking against it, which is an industrial park. She continued reading from the article quoting: “the three
11 have had the ear of some Councilmembers who choose not to act on the EDA”. Ms. Zaugg stated she thinks this it totally
12 ridiculous and she thinks the Councilmembers are intelligent people and can make their own decisions; they may listen to the
13 citizens and she is thankful that someone is. She stated that as the citizens have spoken to the Mayor she does not think she
14 is listening to them. She stated it was totally uncalled for to say that the residents have voted against all projects considering
15 there is only one project. She stated she has attended the meetings and when she asks a question during public comment she
16 wanted to know why those questions are never discussed. Mayor Nagle stated public comment is a time for comment and not
17 a time for discussion. Ms. Zaugg stated that during the public comment portion of the last meeting Bruce Baird addressed the
18 Council and after his comments the Mayor specifically answered his questions. Mayor Nagle stated Mr. Baird asked for
19 direction to the developer and she provided that to him. Ms. Zaugg stated that the citizens ask questions about specific things
20 also and her problem is that the residents live in the City and the Council works for them and she feels that when a citizen
21 comes before the Council and asks a question it should be answered within the same meeting. She stated that if further
22 discussion is needed she can see why the issue could be delayed, but when a citizen asks a specific question it is respectful
23 for the Council to respond to it.

24 [8:29:55 PM](#)

25 Mayor Nagle stated that she has met with the Zauggs for at least three hours to address and listen to their concerns and
26 questions and she is mindful of their questions and concerns and she spent three hours trying to listen to them. She stated she
27 thinks that every Councilmember is committed to listening to the residents and answering the questions they have. She stated

1 the best format for any Councilmember to answer questions is not in a public forum but it is one-on-one in person. Ms.
2 Zaugg stated that the Mayor talked about the residents bending the Councilmembers ears and that is not proper and Mayor
3 Nagle put that in the paper; that information was not provided by a resident.

4

5 [8:30:41 PM](#)

6 3. Consideration of Proposed Ordinance 12-21 adopting the Syracuse
7 State Road 193 Economic Development Project Area Plan, and related
8 matters.

9 The RDA board has adopted a resolution on August 21st approving and creating the SR-193 Project Area. It is also
10 required, by ordinance, that the City Council of Syracuse City adopts the plan as approved by the RDA.

11 [8:30:58 PM](#)

12 COUNCILMEMBER LISONBEE MADE A MOTION TO ADOPT PROPOSED ORDINANCE 12-21
13 ADOPTING THE SYRACUSE STATE ROAD 193 ECONOMIC DEVELOPMENT PROJECT AREA PLAN, AND
14 RELATED MATTERS, WITH THE FOLLOWING CHANGES:

- 15 • AMEND THE LEGAL DESCRIPTION FOR THE PROPERTY INCLUDED IN THE ECONOMIC
16 DEVELOPMENT PROJECT AREA TO INCLUDE ONLY THE PROPERTY LOCATED EAST OF THE
17 POWER LINES ON THE PROPERTY.
- 18 • INCLUDE ALL CHANGES TO THE PLAN AS REFERENCED DURING THE RDA MEETING AS
19 FOLLOWS:
 - 20 ▪ AMEND PARAGRAPH FOUR BY INCLUDING THE CORRECT DATE OF AUGUST 14;
 - 21 ▪ AMEND PARAGRAPH SIX BY CHANGING “WITHOUT REVISION” TO “WITH
22 REVISION”.

23 COUNCILMEMBER DUNCAN SECONDED THE MOTION.

24 [8:31:54 PM](#)

25 City Attorney Carlson noted the recommendation to amend the ordinance by changing the legal description for
26 property to be included in the project area is not consistent with what was adopted by the Redevelopment Agency (RDA).

1 Councilmember Peterson stated that he is concerned about that fact; it seems there is a contradiction that the RDA passed a
2 resolution that will differ from this Council ordinance. Councilmember Lisonbee stated she thought about that as well and
3 she is thinking the RDA meeting should maybe be reconvened so the Board can reconsider the vote taken regarding the RDA
4 resolution. Mr. Carlson stated the RDA action must be taken before the Council meeting; if the City Council passes this
5 ordinance, the ordinance will only be relevant for the property east of the power lines. He noted the RDA approved a
6 resolution that applies to all property in the proposed plan area.

7 [8:33:19 PM](#)

8 Councilmember Lisonbee reiterated her motion upon request by Councilmember Johnson to do so. Councilmember
9 Duncan stated his second stands.

10 Councilmember Shingleton asked Councilmember Lisonbee why she was recommending the change to the legal
11 description. He stated the RDA approved a resolution including changes requested by Councilmember Johnson to ensure that
12 the Council has control over what happens in the entire project plan area. Councilmember Peterson agreed and stated that he
13 sees no risk in including the entire parcel of ground in the project area plan. He noted that he finds it strange that the RDA
14 just passed a resolution and the Council is now trying to pass something that differs from that. Councilmember Lisonbee
15 stated her concerns were put forward during the work session discussion about this issue. She stated she agrees that there
16 may not be many risks in including the entire parcel in the plan area, but she heard a citizens comments about the issue and
17 she feels it will not be difficult to add the entire parcel into an EDA in the future if the Council so desires. She stated that
18 right now the area east of the power lines is the only parcel that will be developed. Councilmember Peterson asked
19 Councilmember Lisonbee why she did not make a similar motion during the RDA meeting. Councilmember Lisonbee stated
20 she did not think of it.

21 [8:35:38 PM](#)

22 Councilmember Duncan stated that the City Council should send a message to the Taxing Entity Committee (TEC)
23 that they are more than willing to approve an EDA east and west of the power corridor if they can also get a CDA approved.
24 He stated that this is a package deal; there should be a CDA overlay in the area and he does not want to rely on the idea that it
25 will be easily approved in the future. Councilmember Peterson stated that the Council could give instruction to the Council
26 tonight saying that they want to approve the EDA and overlay a CDA in the near future. Councilmember Duncan stated that
27 according to what the advisors are saying, the CDA must be approved by the TEC before the Council can approve it.

1 Councilmember Peterson stated the Council can give that direction. Councilmember Duncan stated he feels the Council is
2 doing that tonight. He stated he does not want to adopt the EDA and CDA at different times; he wants to do them at the same
3 time. Councilmember Shingleton stated that means that this entire process will start over. Councilmember Duncan stated he
4 is willing to approve the EDA east of the power lines, but he is uncomfortable approving the EDA west of the power corridor
5 and he would like to continue considering an EDA and CDA west of the power corridor. He stated that would provide an
6 invitation to businesses that are attracted by a CDA as well as an EDA. Councilmember Peterson stated that the Council can
7 direct the staff to start working on the development of the CDA.

8

9 [8:38:50 PM](#)

10 Councilmember Lisonbee stated that to clean up the process it may be appropriate to reopen the RDA meeting and
11 vote on changing the resolution by amending the legal description for that document as well. Councilmember Peterson stated
12 that makes the Council look stupid; the same group of people acting as the RDA Board just passed the resolution.
13 Councilmember Lisonbee stated she is less concerned about looking stupid than she is about representing the citizens
14 properly. She stated that she has no problem with the EDA east of the power lines. Councilmember Shingleton stated it does
15 not make sense to him that the RDA just passed a resolution and the Council is considering adopting an ordinance that
16 contradicts it. Councilmember Lisonbee stated that is why there is a provision in Robert's Rules of Order to reconsider
17 motions. Mr. Carlson stated the RDA meeting has adjourned. He stated the Council can approve a smaller area to be
18 included in the EDA and it would not be necessary to reconvene the RDA meeting.

19

20 [8:40:26 PM](#)

21 Councilmember Peterson stated only one citizen brought up this issue and he asked if that is what changed
22 Councilmember Lisonbee's mind. Councilmember Lisonbee stated there were more citizens that talked to her about it during
23 the break between the work session and this meeting.

24

25 [8:40:47 PM](#)

1 Mayor Nagle stated there is a motion and a second regarding the proposed Ordinance and she called for a vote.
2 VOTING “AYE”: COUNCILMEMBERS DUNCAN AND LISONBEE. VOTING “NO”: COUNCILMEMBERS
3 JOHNSON, PETERSON, AND SHINGLETON. The motion failed.

4

5 [8:41:06 PM](#)

6 COUNCILMEMBER PETERSON MADE A MOTION TO ADOPT PROPOSED ORDINANCE 12-21
7 ADOPTING THE SYRACUSE STATE ROAD 193 ECONOMIC DEVELOPMENT PROJECT AREA PLAN, AND
8 RELATED MATTERS, WITH THE FOLLOWING CHANGES:

- 9 • INCLUDE ALL CHANGES TO THE PLAN AS REFERENCED DURING THE RDA MEETING AS
10 FOLLOWS:
- 11 ▪ AMEND PARAGRAPH FOUR BY INCLUDING THE CORRECT DATE OF AUGUST 14;
 - 12 ▪ AMEND PARAGRAPH SIX BY CHANGING “WITHOUT REVISION” TO “WITH
13 REVISION”.

14 COUNCILMEMBER SHINGLETON SECONDED THE MOTION. VOTING “AYE”: COUNCILMEMBERS
15 LISONBEE, PETERSON, AND SHINGLETON. VOTING “NO”: COUNCILMEMBERS DUNCAN AND JOHNSON.

16

17

18 [8:42:23 PM](#)

19 At 8:42 p.m. COUNCILMEMBER PETERSON MADE A MOTION TO ADJOURN. COUNCILMEMBER
20 SHINGLETON SECONDED THE MOTION; ALL VOTED IN FAVOR.

21

22

23 _____

24 Jamie Nagle
25 Mayor

26

27 Date approved: _____

Cassie Z. Brown, CMC
City Recorder



COUNCIL AGENDA

September 11, 2012

Agenda Item #6

Proposed Ordinance No. 12-24 updating Districts Two and Eight of the General Plan.

Factual Summation

- Please see the attached memo from the Community and Economic Development Department. Any questions regarding this item can be directed at Mike Eggett, Community and Development Director.



Mayor
Jamie Nagle

City Council
Brian Duncan
Craig Johnson
Karianne Lisonbee
Douglas Peterson
Larry D. Shingleton

City Manager
Robert D. Rice

Factual Summation

- Any questions regarding this items may be directed to representative Planning Commissioner(s), or CED Director Michael Eggett
- See the attached Ordinance No. 12-24
- See the attached Syracuse City General Plan Map-District 2
- See the attached Syracuse City General Plan Map-District 8

MEMORANDUM

To: Mayor and City Council

From: Community & Economic Development Department

Date: September 11, 2012

Subject: Proposed Amendment to the Syracuse City General Plan – Districts 2 & 8

Background

In an ongoing effort to update the Syracuse City General Plan, the Syracuse City Planning Commission created Subcommittees for District 2 & 8 to examine and update the corresponding sections of the General Plan. As a key item of the Subcommittees review, a selection of Planning Commissioners, a Councilmember, City staff, and members of the public, chose to examine the proposed land uses of their assigned District of the General Plan. The proposed amendments to the District Maps and corresponding language amendments reflect the Subcommittees and Planning Commissions goals to provide opportunities for economic growth and appropriate adjacent residential development.

Consideration of an Amendment to the Syracuse City General Plan – Districts 2 & 8

On September 4, 2012, the Syracuse City Planning Commission held public hearings regarding the proposed amendments to the General Plan, specific to the Districts 2 & 8, in which one comment was received regarding buffering between commercial and residential zones. On September 4, 2012, the Syracuse City Planning Commission approved recommendation to the

Syracuse City Council the attached amendments to the Syracuse City General Plan, Districts 2 & 8.

Recommendation

The Community & Economic Development Department hereby recommends, following recommendation from the Syracuse City Planning Commission, that the Mayor and City Council amend the Syracuse City General Plan – Districts 2 & 8 to reflect attached Ordinance No. 12-24.

Syracuse City General Plan

MISSION STATEMENT:

"To provide quality, affordable services for it's citizens, while promoting community pride, fostering economic development and managing growth."

Updated 9/11/12



SYRACUSE
EST. CITY 1935

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ORDINANCE 12-24

AN ORDINANCE AMENDING THE SYRACUSE CITY GENERAL PLAN ADOPTED IN 1976, AS AMENDED.

WHEREAS, in 1967 a Syracuse Preliminary Master Plan was prepared for the Syracuse Planning Commission as a part of the Davis County Master Plan Program, said preliminary plan being prepared by R. Clay Allred and Associates, Planning Consultants; and

WHEREAS, in 1976 a Comprehensive Plan for Syracuse was prepared by the Davis County Planning Commission with assistance of Architects/Planners Alliance Planning Consultants and Wayne T. Van Wagoner and Associates, Traffic and Transportation Consultants which plan was financially aided by a grant from the Department of Housing and Urban Development through the Utah State Department of Community Affairs; and

WHEREAS, the 1976 Comprehensive Plan was amended in 1988 and the title changed to the Syracuse City Master Plan; and

WHEREAS, The Syracuse City General Plan was again amended in 1996, 1999, 2003, 2006, 2009, 2011 and 2012 to incorporate appropriate and necessary changes to the General Plan as approved at that time; and

WHEREAS, the Syracuse City Planning Commission has opted to review the Syracuse City General Plan in parts and has established a cycling calendar that allows the Planning Commission to review specific districts within the overall General Plan for the City; and

WHEREAS, the Syracuse City Planning Commission efforts for Districts 2 and 8 have been completed; and

WHEREAS, public hearings have been held by the Planning Commission to receive public input regarding proposed changes; and

WHEREAS, the Planning Commission has proposed amendments to the General Plan Districts 2 and 8 that provide development objectives with respect to the most desirable use of land within the City for residential, recreational, agricultural, commercial, industrial, and other purposes, and which residential areas shall have the most desirable population density in the planning districts of the City to benefit the physical, social, economic, and governmental development of the City and to promote the general welfare and prosperity of its residents;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. General Plan District 2 Master Plan. That the Syracuse City General Plan District 2 Master Plan Map and accompanying text amendments, September 2012 revision, attached hereto, is hereby adopted and any ordinances or resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 2. General Plan District 8 Master Plan. That the Syracuse City General Plan District 8 Master Plan Map and accompanying text amendments, September 2012 revision, attached hereto, is hereby adopted and any ordinances or resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Ordinance shall be severable.

Section 4. Effective Date. This Ordinance shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 11th DAY OF SEPTEMBER 2012.

SYRACUSE CITY

ATTEST:

Cassie Z. Brown, City Recorder

By: _____
Jamie Nagle, Mayor

District 2 Amendments:

District 2

This district is located in the far northwest corner of the city (east of Bluff Road) and is bounded on the north by the 200 South and on the south by 1700 South. Its eastern boundary is 2000 West Street and its western border is the Bluff Road and approximately 3500 West.

Residential Areas

This district is comprised of a number different zone types, but the majority of land area is identified as R-1 and R-2 residential use... Generally, the portion of the district west of 2500 West and South of 700 South should continue to develop as planned with R-1 residential. The eastern half of the district, east of 2350 West and the area North of 700 South and South of designated commercial zoning along the State Road 193 corridor should continue to develop primarily as R-2 residential use with other uses as shown on the Syracuse future Land Use Map.

~~200 South~~ State Road 193 Corridor Commercial Area

Commercial activities should be oriented and planned along this corridor in a similar way that the 200 South Corridor is planned for development in District 1 above. This commercial corridor will be critical to providing an auxiliary commercial district to supplement the 1700 South corridor. ~~While~~ The 200 South State Road 193 corridor east of 2000 West is planned ~~for~~ primarily for mixed-use, commercial development and should also be planned to serve both local retail and service needs as well as similar needs of tourist traffic passing through the City headed toward Antelope Island. The City should also be aware of the future land uses that are planned on the north side of ~~200 South~~ the State Road 193 Corridor in the City of West Point. In all cases any planned commercial developments should be scrutinized using the principles outlined in this document to ensure the highest quality of commercial, retail development and minimization of associated traffic congestion/safety problems to the surrounding residential communities.

District 8 Amendments:

R-3 Residential

Located between the existing R-2 residential land uses and the commercial corridor along 1700 south are some parcels identified as R-3 residential land uses. ~~There is also one~~ are also additional R-3 residential locations at 1901 West and 2250 South and at 2150 South and 1100 West. ~~Most of the R-3 land use parcels have already been developed.~~

Other Commercial Zones

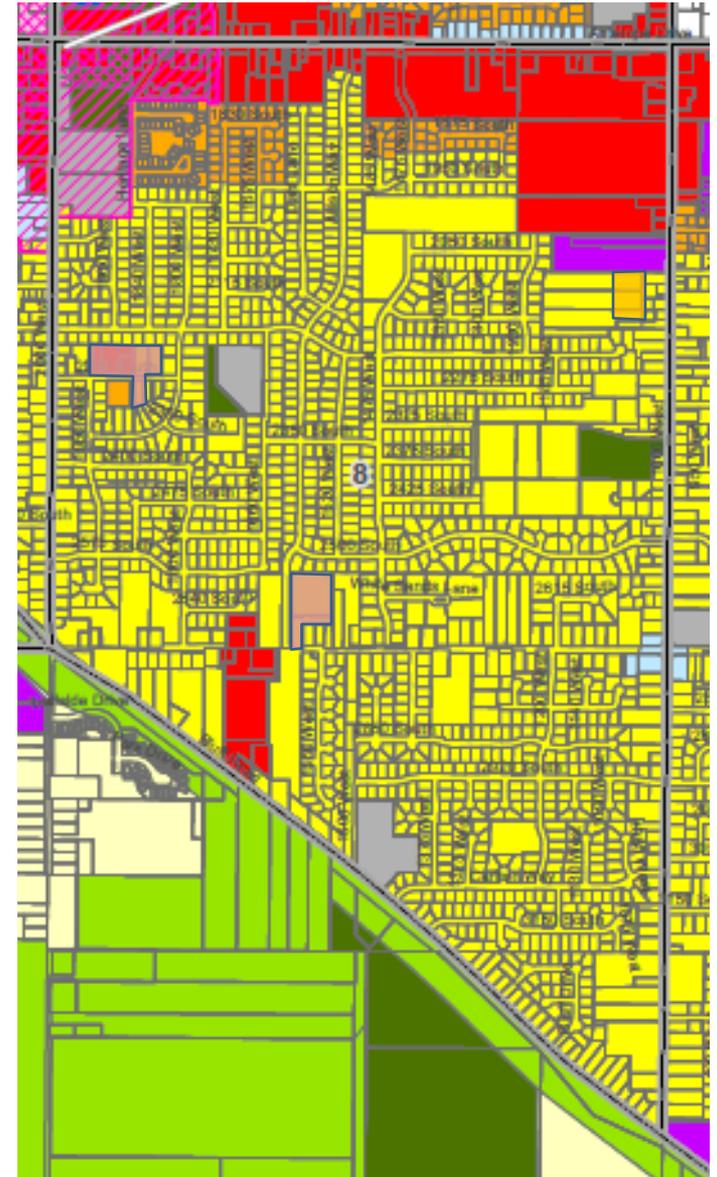
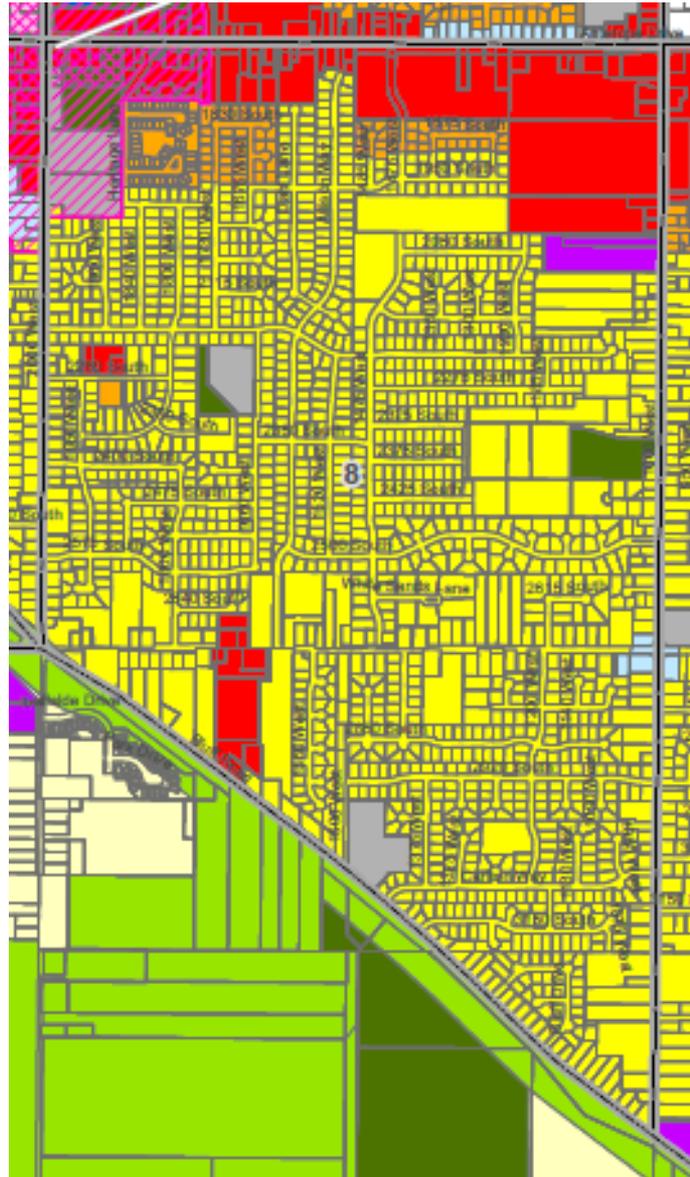
There are ~~two~~ three other small yet viable commercial zones located in this district. This zone is home to a number of small, well established retail and service oriented businesses that each contributes to the small-town feel of the community as a whole. One zone is located just east of 2000 West on 2250 South and has been designated for Neighborhood Services zoning. As a complement to this area, another Neighborhood Services zone is located on the corner of 2700 South and Allison Way. ~~The other~~ Additionally, General e-Commercial zoning is applied at ~~is~~ the location of one of Syracuse City's oldest retail establishments, R. C. Willey. While situated in the midst of a largely residential area, the City feels that it is vital that this business be protected, supported and sustained. When the West Davis Corridor is completed near Bluff Road, the increased vehicular traffic to this area will ensure the continued success of this well established Utah business. The extension of Bluff Road to the proposed West Davis Corridor interchange near the southeast corner of the City must be preserved as a simple and conspicuous access

Current General Plan Map Area 8

Proposed General Plan Map Area 8

Legend

- A-1 Agriculture
- Business Park
- Commercial II
- General Commercial
- Industrial
- Institutional
- Neighborhood Services
- Open Space / Recreational
- PRD (8.0 dwellings per net acre)
- Professional Office
- R-1 (2.90 dwellings per net acre)
- R-2 (3.79 dwellings per net acre)
- R-3 (5.44 dwellings per net acre)
- R-4 (14.52 dwellings per net acre)
- Research Park
- Zoning Districts
- TownCenterOverlayZone
- RDA_Boundary





COUNCIL AGENDA

September 11, 2012

Agenda Item #7

Proposed Resolution R12-22 setting forth the rules for conducting public meetings of the City Council and Planning Commission using electronic means.

Factual Summation

- Any questions regarding this item can be directed at City Attorney Will Carlson.

RESOLUTION NO. R12-22

A RESOLUTION OF THE SYRACUSE CITY COUNCIL SETTING FORTH RULES FOR CONDUCTING PUBLIC MEETINGS OF THE CITY COUNCIL AND PLANNING COMMISSION USING ELECTRONIC MEANS

WHEREAS, *Utah Code Ann.* § 52-4-207 authorizes public bodies to hold public hearings and meetings via electronic communication and requires the City Council to establish written procedures governing electronic meetings; and

WHEREAS, the City Council finds that it would be advantageous to hold some public meetings via electronic communication for the ease and convenience of the City Council and Planning Commission; and

WHEREAS, the City Council finds that in some instances holding some public meetings, such as work sessions, via electronic communication will permit the City Council and, Planning Commission, to include members of those bodies who may not otherwise be able to attend;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Adoption. The “Electronic Meetings Policy,” attached hereto as Exhibit “A” and incorporated herein by reference, is hereby adopted.

Section 2. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 3. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 11th DAY OF SEPTEMBER, 2012

SYRACUSE CITY

ATTEST:

City Recorder

By: _____
Mayor

EXHIBIT “A”

SYRACUSE ELECTRONIC MEETINGS POLICY

Electronic Meetings.

(1) Definitions. As used in this Policy:

(i) “Anchor location” means the physical location from which the electronic meeting originates or from which the participants are connected.

(ii) “Electronic meeting” means a meeting of a public body convened or conducted by means of a conference using electronic communications.

(iv) “Monitor” means to hear or observe, live, by audio or video equipment, all of the public statements of each member of the public body who is participating in a meeting.

(v.) “Participate” means the ability to communicate with all of the members of the public body, either verbally or electronically, so that each member of the public body can hear or observe the communication.

(vi.) “Public body” means the City Council or Planning Commission

(vii.) “Public statement” means a statement made in the ordinary course of business of the public body with the intent that all other members of the public body receive it.

(2) Notice. The public body may, by following the procedures and requirements of this Policy, convene and conduct an electronic meeting. The public body convening or conducting an electronic meeting shall:

(i) Give public notice of the meeting pursuant to *Utah Code Ann.* § 52-4-202 and other applicable provisions of the Utah State Code;

(iii) Provide notice of the electronic meeting to the members of the public body at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present; and

(iv) Provide a description of how the members will be connected to the electronic meeting.

(v) Any member of the public body wishing to participate in a public meeting via electronic means shall give at least 72 hours notice to the City Recorder or appropriate member of City staff, except in cases where the member

has not received more than 72 hours notice of the meeting. In the event that the member of the public body receives less than 72 hours notice of the meeting, any wishes to participate in the meeting via electronic means must be given immediately upon receipt of meeting notice. Such wishes shall be communicated to the City Recorder or appropriate member of City staff.

- (3) Location. An anchor location shall be established for the public meeting which is in the building and political subdivision where the public body would normally meet if they were not holding an electronic meeting. Space and facilities shall be provided at the anchor location so that interested persons and the public may attend and monitor the open portions of the meeting.
- (4) Procedures Governing Electronic Meeting. The procedures to be followed at the electronic meeting shall be the same as those followed by the public body in a non-electronic open and public meeting of the public body. The meeting shall be held pursuant to the agenda posted for that meeting. Prior to commencing the electronic meeting, an electronic link shall be established with all participants and the anchor location. Minutes shall be kept for the meeting in accordance with the requirements of the Open And Public Meetings Act. Following passage of a motion to adjourn, the electronic link shall be terminated and the meeting shall be deemed concluded.
- (5) Participation. Space and facilities will be provided at the anchor location so that interested persons and the public may attend, monitor and participate in the meeting as appropriate. Members of the public body participating in the meeting electronically shall be connected in a manner allowing all present at the anchor location to monitor the member's public statements. Nothing in this policy may be construed to interfere with accommodations made under the Americans With Disabilities Act.
- (6) Two Meeting Maximum. Members of the public body are encouraged to attend all meetings in person whenever possible. To discourage an abuse of this Electronic Meetings Policy, no member shall be allowed use electronic communication to attend more than two meetings where issues are voted on per calendar year. There shall be no limit to member attendance via electronic communications in work sessions, as these meetings do not include votes.
- (7) Statement. Each agenda for an electronic meeting shall include the following statement:

Meetings of the Syracuse City Council (Planning Commission/Board of Adjustment) may be conducted via electronic means pursuant to Utah Code Ann. § 52-4-207. In such circumstances, contact will be established and maintained via electronic means and the meeting will be conducted pursuant to the Rules, Policies and Procedures established by the Governing Body for electronic meetings.



COUNCIL AGENDA

September 11, 2012

Agenda Item #8

Grant the petition of Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints and Ninigret to adjust the boundaries of an Agricultural Protection Area

Factual Summation

- Please see the attached memo from the City Attorney Will Carlson.



Mayor
Jamie Nagle

City Council
Brian Duncan
Craig Johnson
Karianne Lisonbee
Douglas Peterson
Larry D. Shingleton

MEMORANDUM

To: Mayor and City Council
From: City Attorney, William J. Carlson
Date: September 11, 2012
Subject: Petition of CPB and Ninigret to adjust the boundaries of an Agricultural Protection Area

Summary

The Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter Day Saints (“CPB”) submitted a petition to remove property it owned from the current agricultural protection area encumbering the property. After submitting the petition, CPB sold the property to Ninigret Construction Company North, LC (“Ninigret”). Ninigret has since joined in the request.

The petition complies with the requirements of state code and the City Attorney recommends that the boundaries of the Agricultural Protection Area be adjusted in accordance with the petition.

Factual Background

On August 22, 2012 Kirton McConkie, the law firm representing CPB, submitted a written petition to remove specific property from an Agricultural Protection Area. *See* Exhibit A. After submitting the petition, CPB sold the property to Ninigret. On September 4, 2012 Ninigret submitted a letter verifying that it had purchased the Property. Ninigret joined in the request that the property be removed from the agricultural protection area and asked to be added to the petition filed by CPB. The Public Works Director has verified that the legal descriptions of the property (“Exhibit A”) and the new boundary for the agricultural protection area (“Exhibit B”) are accurate.

Legal Requirements

“Any owner of land within an agriculture protection area... may remove any or all of the land from the agriculture protection area... by filing a petition for removal with the applicable legislative body.” Utah Code §17-41-306(2)(a). The existing agricultural protection area is within Syracuse’ city limits. Accordingly, the City Council is the “applicable legislative body.”

The City Council “shall:”

1. Grant the petition for removal;
2. File a legal description of the revised boundaries with the County Recorder and city Planning Commission; and
3. May not charge a fee. *Id* at (2)(b)

Recommendation

The property owners have submitted a petition that complies with state law. Since the agricultural protection area is within city limits, the city council is statutorily required to grant the petition and record the revised boundaries (Exhibit B) with the County Recorder and the city Planning Commission. The City Attorney recommends that the Council do so.

#####

Robert C. Hyde
rhyde@kmclaw.com
801.323.5915

KIRTON | McCONKIE

August 22, 2012

VIA FEDERAL EXPRESS

Syracuse City
Attn: City Council
1979 West 1900 South
Syracuse, Utah 84075

**RE: Written Petition/Request for Removal of Property
from Agriculture Protection Area**

Dear City Council:

This law firm represents Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole ("CPB"), the owner of certain property specifically described in the legal description enclosed with this letter as Exhibit A (the "CPB Property").

Pursuant to Section 17-41-306(b) of the Utah Code, CPB hereby provides the City Council of Syracuse City (the "City Council") with its written petition to have the CPB Property removed from the current agriculture protection area that encumbers the CPB Property (the "Agricultural Protection Area"). As a result of the removal of the CPB Property, the legal description of the property remaining in the Agricultural Protection Area is specifically described in the legal description enclosed with this letter as Exhibit B (the "Revised Agricultural Protection Area").

According to Section 17-41-306(b)(2) of the Utah Code, after receipt of the written petition by an owner for removal of property from an agricultural protection area, the City Council shall "(1) grant the petition for removal of land . . . ; and (2) . . . file a legal description of the revised boundaries of the agriculture protection area...with the county recorder of deeds and the affected planning commission."

Please do not hesitate to contact the undersigned at your convenience if you have any questions or require further clarification.

Sincerely,

KIRTON McCONKIE


Robert C. Hyde

cc: Steve Romney (via e-mail)
Kirk Grimshaw (via e-mail)

Exhibit A

(Legal Description of the CPB Property)

A PART OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY; LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY;

BEGINNING AT THE CENTER OF SAID SECTION 3 AND RUNNING THENCE SOUTH 89° 56' 57" EAST 2621.42 FEET TO THE WEST LINE OF 1000 WEST STREET; THENCE SOUTH 0° 07' WEST 1925.89 FEET ALONG SAID WEST LINE TO THE NORTH LINE OF THE O.S.L.R.R. RIGHT-OF-WAY; THENCE SOUTH 72° 03' WEST 2202.57 FEET ALONG SAID RIGHT-OF-WAY LINE TO THE NORTH LINE OF 700 SOUTH STREET; THENCE NORTH 89° 56' 33" WEST 3150.77 FEET ALONG SAID NORTH LINE TO THE EAST LINE OF 2000 WEST STREET; THENCE NORTH 0° 09' 35" EAST 2606.19 FEET ALONG SAID EAST LINE TO THE QUARTER SECTION LINE; THENCE SOUTH 89° 56' 57" EAST 2621.37 FEET ALONG SAID QUARTER SECTION LINE TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING:

BEGINNING ON THE SOUTH BOUNDARY LINE OF THE GRANTORS' LAND AT A POINT 306.8 FEET NORTH AND 1265.6 FEET WEST, MORE OR LESS, FROM THE SOUTHEAST CORNER OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN AND RUNNING THENCE SOUTH 72° 03' WEST 314 FEET ALONG SAID SOUTH BOUNDARY LINE; THENCE NORTH 27° 09' WEST 260 FEET, MORE OR LESS, THENCE NORTH 13° 29' WEST 2260 FEET, MORE OR LESS, TO THE NORTH BOUNDARY LINE OF THE GRANTORS' LAND; THENCE EAST 318.9 FEET ALONG SAID NORTH BOUNDARY LINE; THENCE SOUTH 13° 29' EAST 2148 FEET, MORE OR LESS, THENCE SOUTH 27° 09' EAST 275 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. (UTAH POWER & LIGHT CO. PROPERTY, AS SET FORTH IN WARRANTY DEED RECORDED NOVEMBER 03, 1982 AS ENTRY NO. 626040 IN BOOK 919 AT PAGE 699)

ALSO EXCEPTING:

THAT PORTION OF SAID LAND LYING WESTERLY OF THE EASTERLY LINE OF SAID UTAH POWER AND LIGHT CO. PROPERTY:

ALSO EXCEPTING:

THAT PORTION CONVEYED TO UTAH DEPARTMENT OF TRANSPORTATION DESCRIBED AS FOLLOWS.

A PARCEL OF LAND IN FEE BEING PART OF AN ENTIRE TRACT OF PROPERTY, SITUATE IN THE N1/2SE1/4 OF SECTION 3, IN T.4N., R2W., S.L.B&M. THE BOUNDARIES OF SAID PARCEL OF LAND ARE DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST-WEST QUARTER SECTION LINE OF SAID SECTION 3 AND A BOUNDARY LINE OF SAID ENTIRE TRACT, SAID POINT BEING 3401.90 FEET S.89°57'08"E. (S.89°56'57"E. OF RECORD) ALONG SAID EAST-WEST QUARTER SECTION LINE FROM THE WEST QUARTER CORNER OF SAID SECTION 3: AND RUNNING THENCE S 89° 57' 08"E. (S 89° 56' 57" E OF RECORD) 1906.70 FEET ALONG SAID EAST-WEST QUARTER SECTION LINE TO THE WEST LINE OF SAID SECTION 3: THENCE S.0° 06' 29" W. (S.0° 07' 00" W. OF RECORD) 203.59 FEET ALONG SAID SECTION LINE; THENCE N.89° 57' 08" W 33.00 FEET TO THE SOUTHERLY HIGHWAY RIGHT OF WAY LINE OF THE PROPOSED SR-193 EXTENSION HIGHWAY: THENCE ALONG SAID SOUTHERLY HIGHWAY RIGHT OF WAY LINE THE FOLLOWING FIVE (5) COURSES AND DISTANCES: (1) NORTHWESTERLY 66.61 FEET ALONG THE ARC OF A 88.00-FOOT RADIUS CURVE TO THE LEFT (NOTE: CHORD TO SAID CURVE BEARS N 21° 34' 32"W FOR A DISTANCE OF 65.03 FEET) TO A POINT OF TANGENCY WITH A 8.00-FOOT RADIUS CURVE TO THE LEFT: (2) NORTHWESTERLY 6.50 FEET ALONG THE ARC OF SAID CURVE (NOTE: CHORD TO SAID CURVE BEARS N.66° 32' 34" W. FOR A DISTANCE OF 6.32 FEET); (3) N 89° 49'36" W 1114.68 FEET TO A POINT OF TANGENCY WITH A 7842.50-FOOT RADIUS CURVE TO THE LEFT: (4) WESTERLY 299.71 FEET ALONG THE ARC OF SAID CURVE (NOTE: CHORD TO SAID CURVE BEARS S 89° 04' 43" W FOR A DISTANCE OF 299.69 FEET); (5) S.87° 59' 02" W. 391.72 FEET TO SAID BOUNDARY LINE; THENCE N.13° 32' 31" W. (N.13° 29' 00" W OF RECORD) 161.89 FEET ALONG SAID BOUNDARY LINE TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM ALL THAT PORTION CONVEYED TO SYRACUSE CITY BY THAT CERTAIN QUIT CLAIM DEED RECORDED MARCH 9, 2012 AS ENTRY NO. 2648421 IN BOOK 5475 AT PAGE 1450 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN FEE FOR THE EXTENSION OF THE EXISTING HIGHWAY STATE ROUTE 193 KNOWN AS PROJECT NO. S-0193(6)0, BEING PART OF AN ENTIRE TRACT OF PROPERTY, SITUATE IN THE NE1/4SE1/4 OF SECTION 3, IN T.4N., R.2W., S.L.B.&M AND RECORDED AS ENTRY 697722, BOOK 1027, PAGE 1102 IN THE OFFICE OF THE DAVIS COUNTY RECORDER. THE BOUNDARIES OF SAID PARCEL OF LAND ARE DESCRIBED AS FOLLOWS:

BEGINNING IN THE EAST LINE OF SAID SECTION, BEING THE EASTERLY BOUNDARY LINE OF SAID ENTIRE TRACT, AT A POINT IN THE 1000 WEST STREET CONTROL LINE OF SAID PROJECT AT ENGINEER STATION 23+80.41.

SAID POINT OF BEGINNING IS 203.59 FEET S.0°06'29"W. ALONG SAID EAST SECTION LINE FROM THE EAST QUARTER CORNER OF SAID SECTION 3; AND RUNNING THENCE AS FOLLOWS:

S.0°06'29"W. (S.0°07'00"W. OF RECORD) 345.41 FEET ALONG SAID EAST SECTION LINE; THENCE N.89°53'31"W. 33.00 FEET; THENCE N.0°06'29"E. 25.00 FEET; THENCE N.89°53'31"W 17.00 FEET TO A POINT 50.00 FEET PERPENDICULARLY DISTANT WESTERLY FROM SAID 1000 WEST STREET CONTROL LINE AT ENGINEER STATION 20+60.00; THENCE N.0°06'29"E. 329.95 FEET; THENCE N.44°53'31"W. 75.53 FEET; THENCE S.89°49'36"E. 40.57 FEET; THENCE SOUTHEASTERLY 6.50 FEET ALONG THE ARC OF A 8.00-FOOT RADIUS CURVE TO THE RIGHT; (NOTE: CHORD TO SAID CURVE BEARS S.66°32'34"E. FOR A DISTANCE OF 6.32 FEET); THENCE SOUTHERLY 66.61 FEET ALONG THE ARC OF A 88.00-FOOT RADIUS CURVE TO THE RIGHT; (NOTE: CHORD TO SAID CURVE BEARS S.21°34'32"E. FOR A DISTANCE OF 65.03 FEET); THENCE S.89°57'08"E. 33.00 FEET TO THE POINT OF BEGINNING.

Exhibit B

(Legal Description of the Revised Agricultural Protection Area)

Parcel 1

BEG AT A PT E ALG THE ¼ SEC LN 760.47 FT FR THE CENTER OF SEC 3, T4N-R2W; SLM; & RUN TH E ALF THE ¼ SEC LN 1879.53 FT TO THE E ¼ COR OF SD SEC; TH S ALG THE SEC LN 30.67 CHS TO THE N LN OF THE O.S.L. RR; TH ALG SD RR S 72°03' W 1106.26 FT, MOL, TO THE ELY LINE OF UTAH POWER & LIGHT CO PPTY; TH N 27°09' W 275 FT. MOL. TH N 13°29' W 2148 FT, MOL, TO THE POB. CONT 79,436 ACRES.

Parcel 2

THE SW ¼ OF SEC 3 T4N-R2W SLM. LESS STREET. LESS THE E 809.44 FT; LESS TO 1588-130. LESS TO 1667-80. CONT. 57,829 ACRES. (WENT TO 12-025-0005 & 0006)

Parcel 3

A PART OF THE S ½ OF SEC 3, T4N-R2W; BEG AT THE CENTER OF SD SEC 3, & RUN TH S 09°58'57" E 441.57 FT TO THE W LN OF THE UTAH POWER & LIGHT CO PPTY; THE (2) TWO COURSES ALG SD W LN AS FOLLOWS; S 13°29' E 2262.75 FT & S 27°09' E 251.94 FT TH S 72°03' W 590.74 FT TO THE N LN OF 700 S STR; TH N 89°56'33" W 1170.77 FT; THE N 0°09'35" E 1120.0 FT; TH N 89°56'33" W 167.06 FT; TH N 0°08'15" E 1411.4 FT TH S 89°56'57" E 141.76 FT; TH N 0°09'35" W 75.00 FT TO THE ¼ SEC LINE; TH S 89°56'57" E 66; 68 FT ALG SD ¼ SEC LINE TO THE POB. CONT. 88,358 ACRES. (WENT TO 12-025-0005 & 0006)

Parcel 4

BEG AT A PT 89°48'32" E 93.35 FT FR THE N W COR OF NE ¼ OF SE ¼ OF SEC 5-T4N-R2W, SLM; & RUN S 10 CHS, E 766.62 FT, N 10 CHS, W 766.69 FT TO POB. CONT. 11.91 ACRES, MOL.

Parcel 5

BEG A PT 26 28 RODS W FR SE COR SEC 5; T4N-R2W SLM; TH N 120 RODS; TH W 26 2/3 RODS, TH S 120 RODS; TH E 46.63 FT M/L TO SW CORNER PPTY CONV IN 3-174; TH N 0°03'50" E 120 FT; TH S 89°53'03" E 170 FT TH S 0°03'50" W 120 FT; TH E 50 FT M/L TO SW CORNER PPTY CONV IN 483-175; TH N 0°03'50" E 120 FT; TH S 89°53'03" E 170 FT; TH S 0°03'50" W 120 FT; TH E 3.26 FT M OR L, TO POB. CONT. 19.06 ACRES. LESS TO 885-258 0.44 ACRES. REMAINING 16.62 ACRES.

Parcel 6

BEG AT A PT 991.36 FT W FROM SE COR SEC 5-T4N-R2W, SLM; TH W 11.77 FT, MOL, TO SE COR PPTY CONV IN 483-172; TH N 0°03'50" E 120 FT, TH N 69°53'03" W 77.21 FT, TH N 0°04'52" E 1635.90 FT, TH W 28.21 FT, MOL, TO W LINE OF GRANTORS LAND; TH N 222.45 FT; TH E 219.3 FT, TH S 95.9 RODS, TH W 110 FT, TH S 24 RODS TO POB. CONT. 7.98 ACRES LESS & EXCEPTING: BEGIN AT A PT WH IS N 89°53'03" W 1003.15 FT ALG THE SEC LINE & N 0°03'50" E 120.00 FT FR THE SE COR OF SEC 5-

T4N-R2W, SLM & RUN TH N 0°03'50" E 50.00 FT, TH N 89°53'03" W 77.20 FT; TH S 0°04'52" W 50.00 FT; TH S 89°53'03" E 77.20 FT TO THE POB. CONT. 0.09 ACRES. TOTAL ACREAGE 7.89 ACRES.

Parcel 7

BEG AT A PT WH IS 80 RODS E & 119.9 RODS N OF THE SW COR OF THE SE ¼ OF SEC 5-T4N-R2W, SLM & RUN TH E 13-7/24 RODS, TH S 224.62 FT, MOL, TO A PT WH IS S 0°04'52" W 866.19 FT & S 87°38'04" E 221.05 FT FR THE NW COR OF THE NE ¼ OF THE SE ¼ OF SEC 5; TH N 87°38'04" W 221.05 FT TO THE W LINE OF SD NE ¼ OF THE SE ¼ TH N 0°04'52" E 212.67 FT ALG SD W LINE TO THE POB. CONT. 1.11 ACRES LESS & EXCEPTING; BEG AT A PT S 0°04'52" W 206.19 FT. TH S 87°38'04" E 93.42 FT, TH N 0°04'52" E 209.74 FT, TH W 93.34 FT TO THE POB. CONT. 0.44 ACRES. TOTAL ACREAGE 0.67 ACRES.

Excepting from the above parcels the following:

A PART OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY; LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY;

BEGINNING AT THE CENTER OF SAID SECTION 3 AND RUNNING THENCE SOUTH 89° 56' 57" EAST 2621.42 FEET TO THE WEST LINE OF 1000 WEST STREET; THENCE SOUTH 0° 07' WEST 1925.89 FEET ALONG SAID WEST LINE TO THE NORTH LINE OF THE O.S.L.R.R. RIGHT-OF-WAY; THENCE SOUTH 72° 03' WEST 2202.57 FEET ALONG SAID RIGHT-OF-WAY LINE TO THE NORTH LINE OF 700 SOUTH STREET; THENCE NORTH 89° 56' 33" WEST 3150.77 FEET ALONG SAID NORTH LINE TO THE EAST LINE OF 2000 WEST STREET; THENCE NORTH 0° 09' 35" EAST 2606.19 FEET ALONG SAID EAST LINE TO THE QUARTER SECTION LINE; THENCE SOUTH 89°56' 57" EAST 2621.37 FEET ALONG SAID QUARTER SECTION LINE TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING:

BEGINNING ON THE SOUTH BOUNDARY LINE OF THE GRANTORS' LAND AT A POINT 306.8 FEET NORTH AND 1265.6 FEET WEST, MORE OR LESS, FROM THE SOUTHEAST CORNER OF SECTION 3, TOWNSHIP 4 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN AND RUNNING THENCE SOUTH 72° 03' WEST 314 FEET ALONG SAID SOUTH BOUNDARY LINE; THENCE NORTH 27°09' WEST 260 FEET, MORE OR LESS, THENCE NORTH 13° 29' WEST 2260 FEET, MORE OR LESS, TO THE NORTH BOUNDARY LINE OF THE GRANTORS' LAND; THENCE EAST 318.9 FEET ALONG SAID NORTH BOUNDARY LINE; THENCE SOUTH 13° 29' EAST 2148 FEET, MORE OR LESS, THENCE SOUTH 27° 09' EAST 275 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. (UTAH POWER & LIGHT CO. PROPERTY, AS SET FORTH IN WARRANTY DEED RECORDED NOVEMBER 03, 1982 AS ENTRY NO. 626040 IN BOOK 919 AT PAGE 699)

ALSO EXCEPTING:

THAT PORTION OF SAID LAND LYING WESTERLY OF THE EASTERLY LINE OF SAID UTAH POWER AND LIGHT CO. PROPERTY:

ALSO EXCEPTING:

THAT PORTION CONVEYED TO UTAH DEPARTMENT OF TRANSPORTATION DESCRIBED AS FOLLOWS.

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ALSO EXCEPTING THEREFROM ALL THAT PORTION CONVEYED TO SYRACUSE CITY BY THAT CERTAIN QUIT CLAIM DEED RECORDED MARCH 9, 2012 AS ENTRY NO. 2648421 IN BOOK 5475 AT PAGE 1450 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN FEE FOR THE EXTENSION OF THE EXISTING HIGHWAY STATE ROUTE 193 KNOWN AS PROJECT NO. S-0193(6)0, BEING PART OF AN ENTIRE TRACT OF PROPERTY, SITUATE IN THE NE1/4SE1/4 OF SECTION 3, IN T.4N., R.2W., S.L.B.&M AND RECORDED AS

ENTRY 697722, BOOK 1027, PAGE 1102 IN THE OFFICE OF THE DAVIS COUNTY RECORDER. THE BOUNDARIES OF SAID PARCEL OF LAND ARE DESCRIBED AS FOLLOWS:

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NINIGRET CONSTRUCTION COMPANY NORTH, L.C.

1700 SOUTH 4650 WEST • SALT LAKE CITY, UTAH 84104

801-973-9090 • FAX 801-973-0070

September 4, 2012

Syracuse City
Attn: City Council
1979 West 1900 South
Syracuse, Utah 84075

RE: Written Petition/Request for Removal of Property from Agriculture Protection Area

Dear City Council:

As you are aware, Ninigret Construction Company North L.C. (“Ninigret”) has recently purchased certain property from the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-Day Saints within the City of Syracuse.

Ninigret requests that the property we have purchased be removed from the Agriculture Protection Area, and as such, requests that our name be added to the petition filed on August 22, 2012 by Kirton/McConkie and attached here to.

Please do not hesitate to contact us if you have any questions or require further clarification.

Sincerely,



Gary O. McEntee
Ninigret Construction Company North L.C.